SENATE—*Wednesday, March 5, 1980*

(Legislative day of Thursday, January 3, 1980)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by Hon. PAUL E. TSONGAS, a Senator from the State of Massachusetts.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of the Prophet Isaiah: *They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; they shall walk, and not faint.*—Isaiah 40: 31.

Let us pray.

Bless O Lord all who labor here, in the public gaze or in obscure places, all who toil in staff positions or committee rooms to support the decisionmaking of others and all who make and keep the RECORD. Be with those who maintain buildings outside and inside, those who protect our coming and our going and preserve the peace. Be with those who go on errands for others. Bind us together in a common purpose that we may concert our best efforts in service to this Nation. Show us the dignity of all work done to Thy glory, remembering Him who went about doing good, in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 5, 1980.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL E. TSONGAS, a Senator from the State of Massachusetts, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. TSONGAS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be some special orders for the recognition of Senators, then I hope that we could proceed to take up the nominations on the Executive Calendar, beginning with Mr. White.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Mr. President, the Senator from North Carolina has asked to be notified when the Senator makes that motion. Would the Senator give us the courtesy of allowing me to have the Senator from North Carolina in the Chamber so he might address his point of view?

Mr. ROBERT C. BYRD. Yes; absolutely.

Mr. STEVENS. I thank the Senator.

WINDFALL PROFIT TAX COMPROMISE

Mr. ROBERT C. BYRD. Mr. President, I am pleased to note that the energy conferences are going forward and that progress is being made on the bills that are in conference. The House and Senate leadership have been pressing for expeditious action on those bills that are in conference. They have been in conference now since last fall and, as the country seeks to deal with the energy problem and the problem of inflation, it seems to me that the centerpiece of this effort must rest with the bills that have already been passed by both Houses and that are in conference.

Last week, the conferees on the windfall profit tax bill agreed to a compromise which will pave the way for final passage of this legislation, hopefully, this month. Under the compromise, the tax will raise revenues of $227.7 billion from oil producers over the next 11 years. The money will be used to benefit the American people through expenditures on new energy production, aid to the poor, mass transit, and, possibly, a major general tax cut to individuals and businesses, if circumstances indicate that there should be a tax cut.

This is the type of responsible and balanced approach which was hoped for. The conferees are to be congratulated for this accomplishment.

The windfall profit tax is one of the three legislative pillars which will establish the foundation for our efforts to achieve energy security. The decontrol of domestic oil prices will serve as an incentive for increased production, while the revenues raised by the tax will be applied to urgent public needs. The compromise bill is fair to the oil companies, but most of all, it is fair to the American people.

Difficult and complex issues were considered by the conferees. The agreement was achieved on a bipartisan basis in the best spirit of legislative compromise. I especially want to congratulate the distinguished chairman of the Senate Finance Committee, Senator LONG, who also served as chairman of the conference. His leadership and expertise guided the deliberations of the conferees to a successful conclusion of this lengthy process.

The windfall tax conference report should move quickly through the Senate and the House. There has been extended discussion of these issues over the many months of committee and floor debate. The conferees have once again weighed the concerns of the oil producers against the needs of the American people and have developed legislation which is at once good energy policy as well as wise public policy. It is time for this bill to become law. I hope that my colleagues, both in this body and the other body, will act decisively on this measure, which is of the greatest importance to our Nation's future.

I again express the hope that our Senate conferees, who have been working diligently with dedication to move the other two energy bills through the conferences, will continue to press for early action in those conferences.

Mr. President, I yield the floor.

RECOGNITION OF ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, if I might ask the indulgence of my good friend the majority leader, there was a request that we obtain a period of 1 hour for this morning. Instead of doing that, we have a series of special orders. I would ask if there would be any objection if we could have that time allocated to the sponsor of the resolution, Mr. ROTH, who will yield to Senators as they come in during the period of the hour to express their views about the subject. I note that there is a half hour to be used. Would there be any objection if we now make the full hour available to Senator ROTH for the purpose of allocation of the time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in carrying out the wishes of the distinguished acting Republican leader, that the time that was allocated to the first four Senators

● This "bullet" symbol identifies statements or inserti ons which are not spoken by the Member on the floor.

be yielded on their behalf to Mr. ROTH to allocate as he so desires. This will leave the two orders for Mr. MUSKIE and myself as previously ordered.

Mr. STEVENS. I thank the Senator.

The ACTING PRESIDENT pro tempore. Is there objection? If not, it is so ordered.

Mr. STEVENS. Mr. President, I yield the remainder of my time to Mr. ROTH also.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

THE STATE OF THE AMERICAN ECONOMY

Mr. ROTH. Mr. President, first, I would like to express my personal appreciation both to the majority leader and the acting minority leader for the assistance they have given me in assuring that the Senate will be able to act within a reasonable amount of time on one of the most important questions that will come before the Congress this year. That question is the size of the budget for fiscal year 1981.

Admittedly, we are taking a most unusual approach, but I think it is important to recognize that these are most unusual circumstances. Today, the United States faces a real national emergency. I think it can be fairly said that perhaps not since the 1930's has this Nation faced such a serious situation, both with respect to the domestic economy and in the international arena.

Consequently, it is important that Congress, and the Senate in particular, provide strong leadership, because that is what the American people back home are looking for.

Never has there been higher anxiety about the future, about inflation, about job security. For the very first time in many, many years the American people have been told that they face a future of downward mobility.

The American dream of owning a home, educating a child, and upward mobility is being interrupted by the nightmare of recession, inflation, and high taxes. So it is no wonder that this country is indeed experiencing a crisis in confidence.

All one has to do, Mr. President, is to look through the papers, the magazines, or watch TV to know the great concern the American people have as to where we are going.

I would just point out that a few days ago the Washington Post said, "Inflation fills the air with a whiff of panic."

Tom Wicker, in a column some weeks ago, said, "It is a time for action."

The Washington Post, on February 24, said, "Radical inflation steps urged. Economists voice despair."

Another newspaper, the Christian Science Monitor, talks about "Laying inflation at Government's door."

Newsweek, in a recent column, said, "Is U.S. inflation out of control?"

Mr. President, what is most disturbing is that throughout this country there is what has been termed by the economist, Mr. Samuelson, a whiff of panic. The situation is going to grow worse. It is going to grow to serious heights unless somewhere, somehow, this Government shows that it has the courage, the will, and the intelligence to come up with a program to do something about inflation and the economy.

As I said, we have an extraordinary problem, and it indeed requires an extraordinary response. We cannot simply have business as usual. Somehow this Government has to act, not just react. This Government has to show that it has the strategy, that it is not just politics as usual. There is no question that this being an election year, a Presidential campaign year, makes it increasingly difficult to take the tough steps that are going to have to be taken. But we have no choice. We have no choice but to do what is necessary.

Mr. President, we have runaway inflation. The Federal Government recently reported that it was roughly 18 percent in January. The serious problem is, how are we going to overcome the psychology of continued inflation and bring it down to controllable limits?

Eighteen percent inflation is eroding, eating away, the morale of this country. I think it is important to understand what an 18-percent inflation rate means for the typical American family of four, which has roughly, according to Federal figures, an income of $20,000. With 18-percent inflation, this family is losing in purchasing power something like $300 a month. Frankly, they are already having difficulty in making ends meet. They are not able to buy some of the luxuries that they have grown accustomed to in the past, because their hard-earned dollars have to be used to buy food, fuel, and other necessities. The cost of energy has soared; the problem of keeping a house or apartment warm, has become extraordinarily serious.

People are cutting back on their standard of living. It is becoming increasingly difficult for them to meet the challenge of inflation. Husbands and wives are working. In many cases, wives originally went to work to maintain their upward mobility, to buy a few of the luxuries of life that they wanted, to send their children to college. But now, the struggle is to just keep even. They are finding it is increasingly difficult to buy the essentials of life.

At the same time we have inflation, we have increasing unemployment. Many people are not even fortunate enough to have a job. The administration, for example, has indicated that unemployment could rise as high as 7.5 percent this year. That means hundreds of thousands more will be out of work.

Mr. President, Congress, the Senate, must act and must act now. It must take the first step in the long struggle to get something done with this economy—and I am talking not only about combating inflation, not only about halting unemployment, but embarking upon a program that means hope and promise for the future, that will move us out of this deteriorating economic situation to a position where, once again, our economy will be growing without inflation, providing jobs for the young, those who are graduating from school and coming into the mainstream of life. This means that we have to have some kind of strategy, some kind of plan of action.

I would be less than honest, Mr. President, if I said that I was not deeply shocked by the fact that, at the beginning of March, this administration has no plan of action to attack our soaring inflation. As I said a few minutes ago, there is a growing consensus among economists, both liberals and conservatives, that the first step—and I want to emphasize only the first step—is to put a lid on Federal spending. It was for that reason that 45 Members of the Senate, both Republicans and Democrats, have sponsored a sense-of-the-Senate resolution to put a limit on Federal spending at 21 percent of GNP. If we do not take action on that, Federal spending in the coming year will soar to one of the highest levels in the history of this country, and that includes the war years, when we were fighting a major world war. Roughly 22.4 percent of the gross national product of this country would be spent by the Federal Government.

I might, of course, point out that we are not only talking about Federal spending, but we also have record high State and local expenditures, so that a very major portion of the gross national product is being spent in the public sector.

It is for that reason that, when I began my remarks, I said I was appreciative of the fact that the leadership on both sides of the political aisle, as well as Mr. MUSKIE, the chairman of the Committee on the Budget, unanimously agreed to a request that there be a vote in the Senate on my resolution to limit spending to 21 percent of the gross national product. This is the most important clear-cut signal that the Senate and the Government can give the American people—the working people of this country, the small businessman, who is struggling to try to keep his business going, with prime rates moving up over 17 percent—that we are serious about doing something to control inflation. I admit it is tough medicine, but, very frankly, the cost of doing nothing will be even tougher.

The hour is already late, much too late, for action.

(Mr. HARRY F. BYRD, JR., assumed the chair.)

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. ROTH. I am happy to yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I commend the Senator from Delaware for his characteristic leadership in this area. I do not think there is anyone in the Senate who has been more attentive to the condition of the economy and its ef-

fect on people's lives than has been the Senator from Delaware. Consistently, as a member of the Committee on Finance and as a member of the Joint Economic Committee, he has pointed out the twin dangers of a high rate of inflation and a high rate of taxation on the American people.

He has done that in the face of a tendency of many of us in public life to make a few speeches now and then about the economy, but to press on with what we tell people are new and bold and exciting initiatives on what Government can do for people.

The Senator from Delaware has pointed out consistently that perhaps more important than what Government can do for people is what Government does do to people by creating an unacceptably high rate of inflation and an unacceptably high burden of taxation.

Senator ROTH has repeatedly called for efforts to trim Federal spending and, at the same time, provide tax relief for the American people.

His view of the economic situation is that we should attempt to restrain Government and its growth and its power and its cost and, at the same time, provide the kind of economic opportunity for the American people so that they can have enough resources at their disposal to permit them to hope and to dream and to have expectations for the future.

It is when we follow policies in the Government which encourage the growth of Washington, which encourage the expansion of everything we do in this city, and provide restraint—deadweight, really—on the growth and the opportunity of the American people, it is when we reach that stage that some action must be taken.

So the Senator from Delaware characteristically has introduced this resolution. I am very pleased to be a cosponsor with him, to join him in making a point which desperately deserves to be made.

Inflation is the No. 1 problem in America today—the No. 1, singular, one, first. There can only be one No. 1 problem, and it is inflation.

Some say that foreign policy is our first concern and, certainly, it is a great concern when the Soviet Union starts marching into Afghanistan, when American hostages are being held in Iran. But a country cannot maintain a strong foreign policy, it cannot maintain a strong national defense, unless its foreign policy and its national defense are built on a strong economy. We cannot build a foreign policy and a defense structure on a foundation of sand, and that is what we are attempting to do.

Some people say that energy is our No. 1 priority, our No. 1 concern, and, certainly, it is a great concern when America imports 45 percent of its oil. But here, too, energy is but a part of a total economic picture.

We can manage the energy situation. We can handle that if we have a strong enough economic base to do it with. But the problem is that our economy is not strong.

We have now annualized an 18-percent inflation rate. Yesterday, the prime rate went up to 17¼ percent. Unparalleled, unprecedented, in the history of this country, an 18-percent annualized rate of inflation.

What is this doing to the hopes and dreams of the American people? What is it doing to the capacity of the Government to plan its state of affairs? What is it doing to American business?

We have had all kinds of ripple effects as a result of the high rate of inflation, and it is building on itself, it is feeding on itself.

People know that the value of whatever they own is going to be eroded by inflation and, therefore, there is a mentality which discourages saving and encourages immediate consumption.

People tell me they are frantically out trying to buy things now before the price goes up. The result of that is that savings decline, and, when savings decline, investment in new plant and equipment declines.

Savings are at an unprecedented and low rate today. Investment in new plant and equipment, spending for research and development, all of these characteristics of a strong healthy economy are being dissipated as a result of an inflation rate which is unprecedented and which is unacceptable.

People in Washington frantically try to point the finger somewhere else, blame somebody else for the problem. "Oh, let us blame Saudi Arabia, or Iran, or let us blame the oil companies. Surely they are the problem with inflation."

As recently as yesterday, the Secretary of the Treasury once again blamed oil for inflation. Yet the economists tell us that of the 18-percent annualized rate of inflation today, perhaps 3 to 4 percentage points of that are accounted for by energy.

Or the President says, "Oh, don't blame me. I inherited this problem. I inherited it from somebody else; my predecessor passed it on to me."

When President Ford left office, the inflation rate was 4.8 percent.

This is not an inherited problem. It is not a problem that is caused solely by the price of oil. There is nobody else to blame.

It is not fair for people in Washington to point the finger around the country, around the world, to somebody else. If the American people want to know who to blame for the problem of inflation, come to Washington, sit in the gallery of the Senate, see what goes on around here—a desperate, feverish attempt to spend money, get rid of it, throw it away, if we do not use it maybe somebody else will.

So since 1969, Mr. President, we have not had a single year of surplus in the Federal budget, never a balanced budget.

I was taught when I took a college course in economics that the theory of Federal spending, of fiscal policy, should be one of countercyclical spending, that at times of decline in the economy the Government should run a deficit, and that at times of inflation the Government should run a surplus.

We do not have any countercyclical policy around here. We always run a surplus, good times, bad times, times of recession, times of inflation.

So, recession and inflation all become mixed up with each other and the economists call it "stagflation."

This is where the problem is. It is in Washington. It is the policies we pursue here. It is the inability ever to have a balanced budget and then trying to rush to the Federal Reserve Board and say, "Oh, please help us, please use monetary policy to try to stop this inflation which we create."

Mr. President, the business of Government and the business of life is to set priorities. Setting priorities means to determine what comes first. There cannot be an unlimited number of priorities. It is not possible to proceed in a number of different directions at the same time.

If we are going to do an orderly job of bringing some sense into this economy and regaining our stability and our strength as a country, we must decide what comes first.

The Senator from Delaware has pointed out very clearly that what comes first must be to slow down this rate of inflation, which is so damaging to this country.

Yet, are we putting first things first? Are we setting priorities around here?

The Wall Street Journal, last Friday, in an editorial, commented that in the budget process, the Senate Labor and Human Resources Committee has voted a 25-percent increase in budget authority for projects under its jurisdiction. The Subcommittee on Aging is asking for a 202-percent increase. Child and Human Development has asked for 31.3 percent. The Subcommittee on Poverty and Migratory Labor has asked for a 31-percent increase. That is what they are asking for in their budgets.

Mr. President, who can be against all these things? Scrooge? Who can be against labor and human resources, the aging, children, migratory labor?

All of us want to be compassionate. All of us want to reach out and help people who are in need. But the problem is that we are busy taking care of all these problems, increasing the budget for them, spending money—not out of some malevolent desire to wreck the economy, but out of the best of motives, to be helpful. However, we have lost sight of the one thing we can do and we are doing that really hurts, and that is to create, by our actions here in Washington, an inflation rate which is now closing in on 20 percent annually. That is the greatest cruelty we are perpetrating on the American people.

It is nice to put out our press releases

and to make our campaign speeches about what we are doing for the aged, the poor, and the migratory workers. Why not put out some press releases about what we are doing to them? What we are doing to them is making it impossible for them to plan, for them to face the future with any degree of assurance. We are weakening the economy of this country.

Mr. President, where do we go from here? Let me say where we do not go from here. We do not go from here to a fireside chat or to a 15-minute television performance or to a legislative initiative which is created today and abandoned tomorrow. Nor do we pursue little gimmicks which sound good and tricky.

Some say that after 200 years of experience, we suddenly have decided that the Constitution of this great country is defective and that it has to be changed. I, for one, do not believe the problem is with our Constitution. I think it is the greatest document to govern the affairs of human beings ever devised. The problem is not with the Constitution. The problem is with the politicians. The problem is with Congress and with the President. The problem is with the inability to set a course and to stay on that course. That is the problem.

So, if we are going to do something about inflation, it takes more than a fireside chat, more than a single speech. It takes a persistent effort, day in and day out, to fight it. It takes a President who is going to submit lean budgets, and stick with those budgets, and who is going to use the power of the veto.

It is going to take Members of Congress who are willing to vote "no;" who are willing to say to the many constituent groups who come to Washington every day, asking for this, that, or the other thing for themselves: "No. Not that we like to say no, not that we are insensitive to your needs. But if we have one priority, we must put the other things to the background."

There are some things I would like. I would like a catastrophic health insurance plan. I would like it now. I would like welfare reform. I would like it now. I have introduced proposed legislation on these matters. I have fought for them.

Yet, we cannot have everything now. We cannot do everything at the same time. We cannot have a multitude of priorities. We cannot cut spending and increase it at the same time. We must put first things first, and the first thing is to curtail this terrible rate of inflation. The Senator from Delaware has pointed the way. It is now time for Congress to respond.

Mr. ROTH. Mr. President, I thank the distinguished Senator from Missouri for his leadership and his continued strong voice on the problems of what needs to be done to work ourselves out of this economic chaos.

I should like to underscore one point the Senator made, and it is this: to really take some sound steps forward, there are no easy gimmicks. When we vote to limit Federal spending to 21 percent of gross national product, in many ways that is the easiest step. What is important is that Congress and the President have the will and the desire to live within those limitations.

Nobody is going to say that it is simple, that it will be easy to vote against the various spending programs. Senator DANFORTH rightly asks, Who is against children? Who is against the poor? Who does not want to treat every problem as compassionately as possible? This country is rich enough that we can solve these problems, but it must be done in a fiscally responsible way.

In the days and weeks ahead, if we mean what we say, if we vote to hold down Federal spending to a given percentage, we must develop a consensus as to where these limitations or restraints will be made. That is not going to be easy because each individual has his or her own list of priorities.

The only way it can be done is for all Members of Congress, Democrats and Republicans alike, as well as the administration, to work together. This effort can be sabotaged easily if anybody wants to play politics. The only way we can restrain spending is for all of us to sit down together and draw up an approach that can have the support of a majority.

Many people probably are going to suggest, as an alternative to the resolution limiting spending to 21 percent of gross national product, that we merely balance the budget. For years, I have voted in favor of balancing the budget. However, in my judgment, that does not go far enough this year. If we really are going to do something about inflation, if we really are going to get this country moving again, if we really are going to have a budget of hope, and faith, and promise, we have to do something about economic growth and productivity. The only way we can combat inflation is to produce more goods for the shelf, at less cost. And the only way to increase production is to reduce the tax drag on the economy.

Therefore, I would oppose any substitute resolution which strikes the proposed Federal spending limits and merely calls for a balanced budget.

For there are two ways to balance the budget—either by reducing Federal spending or by allowing Federal taxes to increase. I will oppose any attempt to balance the budget on the backs of the American taxpayers.

The President proposed a budget of roughly $616 billion in spending and $600 billion in taxes.

Reducing spending by $8 billion and allowing taxes to increase by $8 billion would balance the budget. But I am saying that is not enough. I am saying we have to cut below that, that we have to cut the Federal budget to roughly $590 billion.

This can be done. It can be done without destroying the basic social programs of this country. The reason that this is so important is that we must put into place some tax relief that deals with the supply side of the economy.

As I said, a lot of people who are talking about balancing the budget are talking about balancing the budget by one means, and one means only, and that is on the backs of the taxpayer. Taxes are going up roughly $40 billion for the Nation as a whole. The typical American family of four will be paying something like $533 additional Federal taxes this year, $1,000 in the next 2 years.

Mr. President, I see in the Chamber the distinguished Senator from Florida who is an original sponsor of this legislation. I know that he took time to leave an important committee hearing, so at this time I yield him 5 minutes.

Mr. STONE. I thank the distinguished Senator from Delaware.

Mr. President, I join my colleagues, and this is a bipartisan effort, in offering this resolution because the time has come to take effective action against inflation. We are facing an inflation rate of 18 percent, a prime interest rate of 17¼ percent, a huge balance-of-trade deficit, and a weak dollar abroad.

All of us in Congress, myself included, have found it difficult to vote "no" on specific spending programs which each of us in turn may see as greatly important. However, by the time we reach the total budget, and we adopt the final budget resolution, we then find ourselves guilty of too much spending. That is why I believe that a prior restraint, which is based not only on balancing the budget, but also on restraining ourselves from exceeding a reasonable proportion of America's gross national product, that is the production of our goods and services, can and will practically and effectively help each of us in the Senate and in Congress to keep the total budget in line.

I have long supported the idea of linking the Federal budget to the gross national product of our Nation, and last year, with Senator JOHN HEINZ, of Pennsylvania, I introduced a constitutional amendment to that effect. By tying the Federal budget to our Nation's production of goods and services, we can be certain that the budget will not exceed our capacity to pay for it.

Senator ROTH and others of us have been trying for across-the-board cuts in these budgets for several years now. After enduring quite a bit of scoffing, it looks as though White House senior staffers are coming to the same conclusion that the way to restrain spending and balance the budget is with across-the-board cuts of programs, each of which has a majority constituency, or it would not be an established program. So, by making across-the-board cuts with equal sacrifices to all the programs, we have a practical, effective, way of getting there.

If adopted, the constitutional amendment we introduced would be a major step toward putting the Nation on the road to economic soundness. I share the

concern of some that proposing a constitutional amendment to cure our economic ills is something that should be done only after careful and thoughtful consideration. I introduced the amendment only after coming to the conclusion that without a strong prior restraint, Federal spending will never be brought under control.

I have been encouraged with the response and the progress made with our constitutional amendment, yet economic conditions have worsened. Credit market debt, which amounted to $750 billion in 1960, has grown to an estimated $4.2 trillion last year. The alarming nature of this kind of economic news prompted me to endorse and work for the adoption of the Roth-Stone, and others, resolution.

While I shall continue to work for adoption of the Heinz-Stone constitutional amendment, the critical state of our economy demands that we take some effective action now. The Roth-Stone resolution would be an effective first step. It would direct the Budget Committee to report the first budget resolution for fiscal year 1981 so that Federal spending is no more than 21 percent of the gross national product. I believe that the American people are prepared to roll up their sleeves and make the tough economic choices, if we do our part. An important component of our part is to see that the burdens are shared in a just and equal way. For that reason, I support across-the-board cuts in Federal programs to reach a balanced budget.

Across-the-board cuts, along with tough congressional oversight, will serve to reduce the waste which is present in many Federal agencies and programs. I am encouraged by reports that the President is now considering that approach. I believe these cuts are the fairest and most just way to reduce Federal spending. There is an emerging consensus for the need to cut the Federal budget, and across-the-board reductions will enable Congress to make it a reality. By building a consensus for across-the-board reductions in Federal agencies and programs, we can end the divisiveness and intransigence which has undermined our national agenda.

We cannot fail to act, and it is with a true sense of urgency that I join my colleagues in asking the Senate to adopt this resolution.

I thank the distinguished Senator from Delaware for his leadership, and I do so with a rising sense of optimism that our efforts are triggering some responsive action; not just words, but action. I think we are getting somewhere, and I thank Senator ROTH for his efforts.

Mr. ROTH. I thank the distinguished Senator from Florida.

I, too, am optimistic. I believe the time has come for action and that there is a growing consensus within these Chambers. One of the reasons that is true is because of the forthright, strong position the distinguished Senator from Florida has taken on this matter.

At this time I yield to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the Senator from Delaware.

I enthusiastically support the efforts that he is undertaking in this particular area of reducing the budget and making that the single focal point in which we are trying to attack this vicious evil—inflation.

I thank the Senator for the leadership he is giving.

Mr. ROTH. I wish to make one comment on the discussion of the distinguished Senator from Florida about trying to hold down spending. The role of trying to limit spending is never an easy one. As the Senator stated, in recent years I have tried several approaches. I have tried to hold down spending by across-the-board cuts, and upon doing so have been attacked by many people—who are now urging, fortunately, budget restraint—as that being a meat-ax approach.

It is not an easy approach. But the fact remains that, in my judgment, there are few programs, few agencies or few departments, that could not become more efficient and make do with less. This approach has worked in the private sector, and there is no reason why it would not work here in Washington.

I might point out that in years gone by I have also used other approaches of trying to pinpoint spending cuts. I was one of two Senators last year—two Senators of whom I am aware—Senator PROXMIRE and myself, who appeared before the Budget Committee and spelled out in detail exactly where billions of dollars could be cut.

Frankly, much of the reaction to that approach was to try to embarrass us, particularly with our constituents back home, for proposing to cut some kind of sacred cows.

There is no question it will be difficult to restrain spending whatever approach is used. We are not talking about cutting spending below the current level of spending. We are talking about holding down the rate of growth. The point is very important to understand.

Second, irrespective of that, those restraints are going to hurt. There is no way of holding down spending that is not going to create some belt-tightening. But that, Mr. President, is true back home. The typical American family is trying to stretch out its budget, its income, to meet the necessities of life. They are finding their income is dropping at roughly the rate of 18 percent a year, unless they are one of the fortunate who get cost-of-living increases. Even then because of our progressive tax rates they are having less buying power because they are pushed into higher tax brackets, and that leaves less dollars in their pockets to spend for essentials for their families.

Mr. President, I just want to make one final statement. Before I do that, may I inquire of the Chair how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 18½ minutes.

Mr. ROTH. I will speak a few minutes more, and then I will yield the remainder of my time to the distinguished Senator from Utah.

The final point I want to make this morning is that our spending limit resolution, which requires a spending cut from the President's budget of $25 to $30 billion, will enable Congress to balance the budget, which is essential, and to also have a modest Federal income tax cut.

I cannot underscore the importance of that. We cannot forget taxes. There was an excellent editorial in the Wall Street Journal of March 4, 1980, headlined "Don't Forget Taxes."

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DON'T FORGET TAXES

Given past performance, it is no doubt premature to believe that the current Washington talk about spending reduction will result in anything beyond cosmetics. But the new round of talk does raise all the old tensions between budget balancing and tax cutting, and it would be a shame if a new wave of "fiscal responsibility" drowned the hope of tax reduction.

The notion that tax cuts are necessarily inflationary is rooted in the same Keynesian logic that tells us you can't have recession and inflation at the same time. Given our recent experience, this whole system of logic has naturally come under increasing skepticism, and just as Congress is at least mouthing the slogans of fiscal responsibility, great hunks of the economics profession are adopting tax cut prescriptions even in the current economic environment.

Partly this reflects the reality of high and rising taxes. Under the President's 1981 budget, federal government receipts would reach 21.7 percent of GNP, a rate exceeded only by the 21.9 percent in fiscal 1944. We are being taxed at wartime rates. Calculations for the Shadow Open Market Committee by Rudolph G. Penner show that in 1980–1981, taxes will increase $15 billion through scheduled boosts in the Social Security tax, $20.6 billion due to the windfall profits tax, $11 billion to $13 billion due to inflation pushing taxpayers into higher tax brackets, plus other increases for capital gains taxes and tax payment timing changes.

Consequently, the Shadow Committee, a monetarist group, recommends a $15 billion to $20 billion cut from these rates in 1980, backed by an equal cut in spending. In other words the monetarists would use spending cuts not to reduce the deficit, usually regarded as a pressure for faster money growth, but to reduce taxes, or at least slow increases in them.

Similarly, television talk show recommendations for reductions in spending and taxes came Sunday from former Chief Economic Advisers Alan Greenspan, a Republican, and Walter Heller, a Democrat. And on this page last week Paul McCracken, yet another former chief economic adviser, wrote that attempts to close the deficit have tended to lead only to higher spending and that "The only way to get off this no-win path is through doing what is needed on taxes first."

Meanwhile Martin Feldstein, president of the National Bureau of Economic Research, has been advocating a policy of "tight money and positive fiscal incentives," by which he means principally tax cuts for business. With tight money, tax cuts will not be inflationary he argues, and our forecasting techniques are too inaccurate to justify "rejecting a temporary increase in the budget deficit that achieves desirable structural effects" such as new incentives for savings and investment.

Finally, consider the results published last week in the Joint Economic Committee of a new econometric model developed at Data Resources Inc. by Otto Eckstein, who also

served on the Council of Economic Advisers under the Democrats. Mr. Eckstein warns that "to achieve better progress on inflation, it is necessary to turn to the supply side of policy."

The new DRI model shows that two modest tax cuts—a small increase in the investment tax credit and a four-year reduction in the average tax lifetime of producers' durable equipment—would actually reduce the consumer price index by 4% by the end of the decade. Over the same period they also would increase productivity by 3.3%, increase real business fixed investment by 15.6% and raise the capital stock by 7.2%.

The Joint Economic Committee, led by Senator Lloyd Bentsen and Congressman Bud Brown, is advocating tax cuts to stimulate production and investment. The chief opponents of tax cuts are likely to be the Senate and House Budget Committees; if they can direct attention to budget-balancing they will be freer to resume their normal spending habits at, say, the first whiff of recession.

Neither we nor any of the economists quoted above believe that deficits are unimportant. There is reason to be cautious. There is such a thing as a reckless tax cut, the late unlamented $50 rebate, for example. But inflation is a condition of too much money chasing too few goods, and there is also such a thing as a tax cut that provides incentives to produce more goods. As taxes grow, inflation soars and productivity plunges, more economists are backing such supplyside tax cuts. They recognize that an economic program should cut spending, but that it is not likely to solve our problems unless it also makes at least a start toward lifting the stifling tax burden.

Mr. ROTH. Mr. President, as I said, the only way we are really going to act affirmatively on inflation is by increasing production. Our level of productivity is nil. The only way we can have an increasing standard of living for the American people is by having an expanding economy. The only way we can have an expanding economy is to increase savings and investments enough to insure the United States of America has the most modern technological plants in the world.

I am sorry to say that today our automobile plants are obsolete compared with the Japanese and the Germans. If we are going to compete, compete in our own American markets, we must make them the most modern plants in the world.

Mr. President, that takes capital, that takes money. The only way we are going to have that capital and that money to modernize the American industrial plant, which is the source of jobs for American workers, is by increasing the savings of the American people.

That is the reason I have been fighting for the last several years for Roth-Kemp, to lower marginal tax rates across the board to increase incentives to the American people to save, invest, and produce. Time does not permit me today to discuss the kind of incentives we have to give to promote savings, but I agree with the Wall Street Journal that as we move ahead we have the responsibility not only to restrain Federal spending and to balance the budget, but we must go one step further and begin to lower the tax burden on the American people.

Mr. President, at this time I yield the remainder of my time to the distinguished Senator from Utah.

Mr. HATCH. Mr. President, I thank my friend and colleague from Delaware. I want to personally congratulate him for the long, hard fight he has been waging through the years to cut taxes, cut tax rates, and now adopt this spending limitation.

I also want to say to my friend from Delaware that I think he is winning this battle. I see more and more Senators willing to start standing up against the problems that are besetting this Nation.

We came very close last year. We could have won this battle on the floor last year for tremendous cuts in the budget which would have saved us this year, and put spending restraints on without the necessity of this particular resolution, which is now sponsored by 45 of our colleagues in the Senate which, I think, sends a tremenodus message to the White House, a tremendous message to the Council of Economic Advisers, a tremendous message to the Secretary of the Treasury, a message to all those who have been advising the Government through the years that only Federal Government growth should occur or that mainly Federal Government growth should occur; the Federal spending is the way to increase benefits in our society rather than savings and incentives to the private sector.

I think Senator ROTH singularly deserves a great deal of credit for the tremendous battle he has been waging, and I hope all of us under his leadership will be successful this year in stopping the outrageous conduct of the Federal Government and, particularly, the Congress.

I think everybody in America loves to see Presidential elections, and we all feel that the Presidency of the United States is very important. But let nobody be deceived. Congress is responsible for the deficit we have had in this country. Let us just consider it. If you stop to think about it, we have failed to balance the budget for 44 of the last 50 years. As a matter of fact, we have not balanced the budget once in the last 25 years. Whom do you blame? The Presidents of the United States? Surely, in part, but Congress passes the laws, Congress creates the appropriations and appropriates the moneys, Congress has created the bureaucracies, and Congress has refused to curtail or even oversee the bureaucracies in a way it should be done.

We have risen from $100 billion in our annual national budget in 1962 to $200 billion in 1970, $400 billion in 1977, and now we are up to $616 billion for fiscal year 1981.

The national debt has risen just last year, as an illustration, to $798 billion at the beginning of the year. Twice we have lifted the debt ceiling limitation, which is a congressional device to try to prevent deficit spending, but twice we have lifted it. Last year we did it once by one vote in the House of Representatives from $798 billion to $830 billion, and then from $830 billion to $879 billion.

How can we say we only have an austere deficit of $29 billion when we increase the national debt from $798 to $879 billion good only until after this year?

Before the end of this year, we will probably have a national debt approaching $1 trillion. The interest against the national debt is $67 billion for fiscal year 1981. It is the third highest item in the Federal budget. It is something that is eating us alive.

We have an inflation rate at 18 percent caused by this huge Federal spending, the creation of huge Federal bureaucracies, the overwhelming nature of the Federal Government which is intruding upon every aspect of our lives.

I can remember in 1976, during the Presidential race, one candidate was decrying the fact that there was a 4.8-percent inflation rate. He said he was going to do something about it.

Today it is 18 percent. He has certainly done an awful lot about it. And some people say it is going above 18 percent because, as of yesterday, the prime rate went to 17¼ percent.

We will today have a $616 billion Federal budget. Our President has said there is only a $16 billion deficit under that budget.

Now, I can tell you that is not quite accurate, because Congress created a special form of hiding the total amount of the deficit by having what we call off-budget items. Off-budget items cannot legally be listed in the Federal budget, but they, nevertheless, constitute more deficit spending under the circumstances.

The off-budget items have grown, since President Carter took over, from $9 billion a year to $18 billion a year in fiscal year 1981. In other words, in addition to the $16 billion, you better add the $18 billion. That comes out to $34 billion as the real deficit that this country is going to undergo.

In addition to that, this country is proliferating the world with between $600 billion to $1 trillion of our dollars, all over the world through Eurodollars and the like, debasing our currency and, of course, causing this inflation problem that we have today.

What really bothers me is that Congress, in 1974, enacted a Budget Act. The purpose of the Budget Act was to get Federal spending under control, to balance the budget, to get some fiscal restraint in the Federal Government. Since that Budget Act, the annual budget has gone up about $200 billion and the deficit, the national debt, has gone up, as I recall, $300 billion to $400 billion. That is hardly holding the line. That is hardly keeping spending under control. That is hardly restraint.

I cannot blame the Budget Committee for this, because it is the unrestrained spending programs of this country that really are at fault.

As a matter of fact, in this last 3 years, the effective income tax revenues to the Federal Government have better than doubled. I am talking about personal tax revenue. In the last 3 years, we have increased the budget 34.7 percent, the largest cumulative increase in the Federal budget of any 3-year period in the history of this country.

I believe if you study the budget and

study the deficits and if you look at the off budget items and include them in the deficit where they should be included—and there is no reason to have off budget items; they should all be in the Federal budget—you will find that, in the 4-year period beginning in 1977 and ending in fiscal year 1980, we will have had a total of cumulative deficits approaching $209 billion—the largest cumulative deficits in the history of this Nation, in the history of any President in the history of this Nation.

Edward Gibbon, who wrote the Decline and Fall of The Roman Empire—probably one of the world's greatest historians—had this to say about the decline of the Athenian empire. He said:

> In the end more than they wanted freedom, they wanted security. When the Athenians finally wanted not to give to society but for society to give to them, when the freedom they wished for was freedom from responsibility, then Athens ceased to be free.

Unfortunately, I believe that is what is happening to us. Our people want freedom from responsibility in many ways, and it has been because of an irresponsible Congress that this has been brought about.

I might also mention that if you really look at the record you would have to conclude the same thing: 76.1 percent of the $616 billion Federal budget is, in the words of Jim McIntyre, the head of the Office of Management and Budget, uncontrollable. They claim they cannot control 76 percent of the Federal budget. He said that is the biggest problem in America today.

I submit that there are other problems that are much bigger that are approached and, I think, attacked by the distinguished Senator from Delaware and all of us who are fighting this particular battle.

To go a little bit further, I think it is important that we not only limit the spending of the Federal Government but that we recognize that the highest percentage of gross national product taken in revenues by the Federal Government in the history of this country was the 22 percent, as I recall, back in 1944, when we were driving and pushing with everything that we could mobilize to try and win the Second World War.

Now, with the proposals that we see coming from the economic advisers today, I can tell you that we will have revenues as a percentage of gross national product approaching 24 or 25 percent by fiscal year 1985. And that is considerably more taxation, when you add the State taxation to it, than the original Founding Fathers had to suffer when they said that they had taxation without representation and started the original Revolutionary War.

I commend the distinguished Senator from Delaware, because this has been a long, hard vigil. It has been hard to get our colleagues to come to the point where they realize that this country has got to rely on the private sector.

We have got to stimulate the private sector if we want to solve our problems. The two ways that the Senator has basically suggested are, No. 1, to have spending limitations, put the restraints on the Federal Government; and, No. 2, to cut tax rates 30 percent, phased in 10 percent a year across the board for every taxpayer of America.

I would add to that that we need appropriate depreciation schedules. We need savings incentives. We ought to have depreciation schedules that will allow our large industries and small industries alike to keep up with their competitors in the world market.

It is said that in the steel industry alone they have to meet a $7 billion annual clean-air, clean-water and regulatory bill. I can say right now that our steel industry cannot survive in America like that.

Yet, it is Congress which, in addition to the tremendous spending that Congress has allowed, has imposed unreasonable, rigid clean-air, clean-water bills and, I might add, through the various agencies of Government, unreasonable regulations upon industries in this country.

We have to stop thinking in terms only of health and jobs. The distinguished Senator from Delaware understands that and he has made the best arguments of anybody in Congress, in my opinion, over the last number of years that I have been in the Senate and in Congress.

I believe that the tax rate reductions he is talking about will stimulate the private sector to the extent that will outproduce inflation. Instead of constantly stimulating the public sector, let us stimulate the private sector. Let us outproduce inflation. Let us give the incentive to the free market system that we have in America, the greatest economic system ever known to mankind. And let us take off the unreasonable regulatory restraints that prevent growth and development in this country.

The best way to do that is through the taxing structure. If we cut tax rates 30 percent, phased in over 3 years, it means if you are in the 50-percent bracket, you will pay 45 percent next year, 40.5 percent the year after that and 4 percent less the year after that.

It means that those who produce in society will be able to save more, invest more, expand more, employ more. They will be able to outproduce inflation. We will get society going again.

Let us take away the incentives to be on welfare and restore incentives to take jobs and to work in society. Let us stop this insanity of better than 300 millions of dollars of transfer payments from the productive people, those who work in society, to the nonproductive, those who do not work in society, and let us bring those transfer payments down by giving incentives to people to get to work.

What incentive is there for a family of four living in California and receiving $810 a month being on welfare to take a job? Why should that father take a job at $12,000 a year? It would only mean an extra $10 a month for that family.

That is not the way to increase the private sector in this society. We have to get those people working. We have to take the jobs that are available in America. We have to produce in this country and only through production in the private sector can we curtail the spending in the public sector and ultimately outproduce inflation to get this country back on its feet.

Reinhold Niebuhr, one of the greatest theologians, said:

> If the democratic nations ever fail, their failure must be partly attributed to the faulty strategy of idealists who have too many illusions when they face realists who have too little conscience.

I think that is something to think about. We have to be idealists in our society but we have to realize that there are people in society today who really are not fighting for the things that will save this country and help America to get even stronger than it is now, and, of course, much stronger than it has been in the past.

We have to start fighting for this country, we have to start doing the things that are essential for this country. We have to awaken ourselves, and we have to get away from these neo-Keynesian philosophers and economists.

It has been said that during periods of prosperity you should have a surplus. These people do not believe in surplus in periods of prosperity. We see them saying, "We want to balance the budget but," and then in the Appropriations Committee they give all the reasons why we cannot and then the Congress adopts those reasons and we end up spending more than ever.

I commend the Senator from Delaware. I admire him and support him. I have been a constant supporter of his since I have been here and since the first time I saw him stand in the Republican Policy Committee and announce some of these approaches he has taken. I give him all the credit in the world for what he has done. I will continue to support him. We must continue to support him in these approaches which are the only ones that will help America in the future.

RECOGNITION OF SENATOR MUSKIE

The PRESIDING OFFICER. Under previous order the Senator from Maine (Mr. MUSKIE) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I control the time allotted to Mr. MUSKIE.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

A BALANCED FEDERAL BUDGET IN FISCAL YEAR 1981

Mr. ROBERT C. BYRD. Mr. President, I support a balanced Federal budget in

fiscal year 1981. I believe that that is the mood of the Senate, and the mood of the country. The only way to balance the Federal budget is just that, to balance it, to face the hard decisions, to make the hard choices—and they will be unpopular.

Everybody is in favor of balancing the budget, but most of us, I guess, take the position of "What's mine is mine and what's yours is negotiable. Let us cut the Federal budget, but don't cut mine. Don't cut my part, do not cut my program; cut his or hers." So it is going to create a lot of weeping and moaning and gnashing of teeth. It will be unpopular with respect to authorizations, entitlements, spending bills. Many programs will have to be pared back in order to achieve a balanced budget in fiscal 1981 and in order to make some reductions in the budget in the current fiscal year of 1980.

There is no quick-fix solution. The days of vaudeville are over. There are no snake oil quick fixes.

The process is going to be painful and there is not going to be any hypodermic that will stop the pain. There is no known drug that will stop this pain.

It is going to be difficult for Senators, difficult for many national, regional, and local constituencies. But in both the long run and the short run, the people must realize, if they do not already, that continuing inflation is more damaging to their economic and social well-being than the hardship which may result from even the most carefully thought-out budget cuts.

There can be no cotton candy approaches. Cotton candy looks good and smells good, but there is no substance to it.

These are times that demand action, not symbolic gestures.

We already have in place the mechanisms and the legislative framework for the actions which the times demand. That mechanism is the congressional budget process. The Budget Committee of the Senate, under the leadership of Senators MUSKIE and BELLMON, has worked, has cajoled, and has sought to educate and to warn against the perils of unrestricted Federal spending.

I have confidence in the budget process. The budget resolutions, the budget scorekeeping reports "tell it like it is."

I believe that adherence to the congressional budget process offers the best means available to the Senate to approach the difficult task of making budget cuts.

Balancing the Federal budget will not, in and of itself, cure inflation. Let us be clear about that. But it is an important and necessary step. The American people are nervous about the state of the economy.

A balanced budget will send a message to the Federal Reserve that it does not have to fight inflation only with terribly high interest rates. A balanced budget will tell business that the Federal Government is serious about controlling inflation and fostering an atmosphere of economic stability in which business decisions can be made on a rational, predictable basis.

We simply cannot leave the job of fighting inflation to the Federal Reserve alone. Our economy cannot long endure a prime rate of 17¼ percent and Federal Government borrowing of more than 15 percent.

By shouldering some of the inflation-fighting responsibility through fiscal policy, the Congress can help to restore some sanity and predictability to long-term credit markets. Many corporations are already dangerously dependent on short-term debt. Too often, they have financed long-term improvements with short-term credit.

The current unpredictability in the bond market further exacerbates this trend.

Small businesses across the country are being strangled by these high interest rates. They result in a massive transfer of wealth from borrowers to lenders. They reward the rich and the liquid, and penalize the poor and the illiquid. They increase the cost of all the goods and services financed by borrowed money.

By demonstrating fiscal restraint, the Congress can invite some moderation in the high interest rate policy. But in order to really achieve fiscal restraint, we must look at the realities of budget balancing. Let us consider some specifics in the President's fiscal year 1981 budget.

If we assume that the $146 billion in defense and the $67 billion for interest payments are absolute minimums, we eliminate one-third of the budget. Of the remaining $403 billion, approximately $52 billion is relatively controllable; that is, programs which Congress can cut without violating existing obligations or changing entitlement programs.

In order to balance the President's budget, we are talking about cuts in the magnitude of $25 billion, half of all the nondefense controllable items. Alternatively, and more realistically, it will require changes in a number of entitlement programs, and we have seen how enthusiastic this Senate is about that prospect. We have seen how enthusiastic this Senate is.

As we cut down on Federal spending, we also reduce Federal revenues. So every dollar we cut in spending will not result in one dollar less of a deficit. Further, a decrease in Federal spending in one area can result in an increase in other areas, such as food stamps, or unemployment payments. It is like stepping on a balloon. When we step on one side of the balloon, it will pop up somewhere else.

I do not suggest that these problems are insurmountable. To the contrary, with the indepth analysis and hard work which we have grown to expect from the Budget Committee, we can move decisively toward a balanced budget. If we follow the leadership of the Budget Committee, we shall approach this goal and achieve it.

But there is no waving of any wand. Any who believe that the waving of wands or the saying of a magic word or the passing of resolutions of themselves will do the job are in for a rude awakening.

Mr. President, I suggest that we make our appointments with the dentist. It is going to be like pulling teeth.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business not to exceed 20 minutes and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

THE ABSCAM MATTER

Mr. HEFLIN. Mr. President, as chairman of the Senate Select Committee on Ethics, I should like to report to the Senate that this committee has been extremely active and busy dealing with ABSCAM matters that have appeared in the press. I believe that a letter that the chairman and the vice chairman of the Senate Select Committee on Ethics wrote to the Honorable Benjamin Civiletti, Attorney General of the United States, dated February 28, 1980, explains some of the problems and some of the decisions that have been made by this committee. I ask unanimous consent that this letter be printed in the RECORD as if read in full.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON ETHICS,
Washington, D.C., February 28, 1980.

Hon. BENJAMIN CIVILETTI,
Attorney General of the United States,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: We would like to thank you for your letter of February 6, 1980, in which you outline the problems and objections of the Department of Justice in releasing any information to the Senate Select Committee on Ethics on your so-called "ABSCAM" investigation. Further, we would like to inform you that Messrs. Philip Heymann and Irvin Nathan of the Criminal Division of the Department of Justice have been most courteous in meeting with the Chairman and Vice-Chairman of this Committee, as well as meeting with the full Committee, to discuss mutual problems.

From the beginning this Committee has made it clear that neither the Committee, nor any member, wants to interfere with or jeopardize any criminal investigation or prosecution or the rights of any accused. On the other hand, this Committee has endeavored to make it clear to the Department that the Committee has constitutionally mandated obligations and responsibilities regarding any alleged misconduct on the part of members of the Senate, including the obligation to determine as expeditiously as possible the fitness of a Member to continue to hold office.

After numerous discussions with representatives of your Department, it seems clear that the Department of Justice is adamant in its position that it will not release any governmental evidence, tapes, recordings or witnesses about "ABSCAM" and that it would resist court action all the way to the Supreme Court if subpoena procedures are instituted to obtain the evidence against the Department of Justice. While the Committee understands the legal and practical considerations which concern the Department, it is confident that it can proceed to make the determination necessary to the discharge of its constitutional obligation without any interference with the interests of the Department. At the same time, the Committee recognizes that protracted litigation over procedural matters could occasion even further delay in the resolution of this case.

Representatives of the Department have indicated, however, that there is some evidence which it may be able to share with the Committee, including evidence that the Department of Justice cannot use in a criminal prosecution; physical views of the premises where it is alleged that meetings took place between "ABSCAM" agents and possible defendents, such as the townhouse in Washington and the office building in Long Island; documentary evidence such as desk diaries or calendars, bank records, office logs, and other similar records; and information about other members of the Senate who are not under present investigation, but who at one time may have been approached and recorded during the "ABSCAM" investigation.

One of the foremost objectives of the Committee is an expeditious disposition of this matter. If any Senator is guilty of wrongdoing, this determination should be made as soon as possible and appropriate action recommended to the Senate. On the other hand, if there has been no wrongdoing, any Senator alleged to have been guilty should be cleared of unsubstantiated charges as rapidly as possible. It is well known that criminal prosecutions are notoriously long and drawn out matters. Delay in this instance cannot be tolerated.

Familiarity with criminal prosecution procedure indicates that there are segments in the process, such as grand jury disposition, discovery completion, and trial.

The Department has advised us that it is reasonable to expect grand jury disposition can be achieved in 90 days and the trial of the case should begin, if indictment is obtained, within four (4) months from the date of grand jury indictment.

While we believe that concurrent activity on the part of the Committee can be conducted without interfering with or jeopardizing the criminal prosecution or the rights of the accused, the Committee is willing to defer its demands for evidence held by the Department of Justice provided the criminal prosecution proceeds in an expeditious manner and certain conditions are met.

In line with the above anticipated time schedule and the Committee's desire that criminal prosecution proceed expeditiously without any possible interference from it, the Committee has instructed us to advise the Department of Justice and it will cooperate with the Department and proceed as follows:

(1) It will postpone its demand that the Department of Justice furnish the Committee with governmental evidence, tapes, recordings and witnesses until June 1, 1980, in order to enable the Department to present its case to the grand jury; and

(2) the Committee will evaluate the situation at that time to assure that delay, if any, is not attributable to the Department of Justice; and

(3) the Committee at that time will also reconsider whether or not it is in the public interest for it to continue to defer and it may establish further time schedules relative to other segments of criminal prosecution, such as discovery completion and trial; and

(4) the Committee assures the Department that in the interim it will conduct its investigation in such a manner so as to avoid undue interference with governmental witnesses and evidence which appear essential to the presentation of the criminal prosecution, make every effort to preclude publicity concerning the development of evidence, and give every consideration to further requests from the Department as it proceeds with its investigation.

In addition, representatives of the Department have informed the Committee that upon the disposition of the criminal prosecution at any time before or after trial and before any appeals, the Department of Justice will immediately make available to the Committee all governmental evidence, tapes, recordings and witnesses. As a conditional prerequisite to the deferment by this Committee to the Department until June 1, 1980, first, the Committee will require a letter setting forth the Department's commitment to turn over all evidence to it upon disposition of the criminal prosecution before or after trial and before any appeals. Next, the Committee will expect the Department to share with it, in the near future, the evidence and materials heretofore mentioned in this letter which the Department has indicated it may be able to supply to the Committee. Finally, this Committee would like to be apprised of the steps taken by the Department to eliminate further leaks from government agencies which might jeopardize the criminal prosecution or the rights of any accused.

Again, we would like to remind you that time is of the essence. The clouds of suspicion hovering over the Senate need to be removed as rapidly as possible. The Senate and the public are entitled to know at the first practicable moment what validity, if any, there is with respect to criminal allegations against a member of the United States Senate.

Sincerely yours,

U.S. SENATE SELECT COMMITTEE ON ETHICS.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 634, 635, 636, 637, 639, 642, 645, 646, 647, and 651.

Mr. STEVENS. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting Republican leader.

APPOINTMENT OF CARLISLE H. HUMELSINE

The joint resolution (H.J. Res. 494) providing for the appointment of Carlisle H. Humelsine as a citizen regent to the Board of Regents of the Smithsonian Institution, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–593), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Joint Resolution 494 would provide that the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the resignation of Thomas J. Watson, Jr., of Connecticut on October 12, 1979, be filled by the appointment of Carlisle H. Humelsine of Virginia for the statutory term of 6 years.

AUTHORIZING PRINTING OF "DEVELOPMENTS IN AGING: 1979"

The resolution (S. Res. 370) authorizing the printing of additional copies of part 1 of the Senate report entitled "Developments in Aging: 1979", was considered and agreed to, as follows:

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of part 1 of its annual report to the Senate, entitled "Developments in Aging: 1979", which may be printed at a cost not to exceed $1,200.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–594), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 370 would authorize the printing for the use of the Special Committee on Aging of the maximum number of copies of part 1 of its annual report to the Senate, entitled "Developments in Aging: 1979," which may be printed at a cost not to exceed $1,200.

AUTHORIZING PRINTING OF "SENATE ELECTION LAW GUIDEBOOK—1980"

The resolution (S. Res. 378) authorizing the printing of a compilation of materials entitled "Senate Election Law Guidebook—1980" as a Senate document was considered and agreed to, as follows:

Resolved, That a compilation of materials of Senate campaign information, including Federal and State laws governing election to the United States Senate, entitled "Senate Election Law Guidebook—1980", shall be printed as a Senate document; and that there shall be printed for the use of the Committee on Rules and Administration the maximum number of additional copies of such document which may be printed at a cost not to exceed $1,200.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–595) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 378 would provide (1) that a compilation of materials of Senate campaign information, including Federal and State laws governing election to the United States Senate, entitled "Senate Election Law Guidebook—1980", be printed as a Senate document; and (2) that there be printed for the use of the Committee on Rules and Administration the maximum number of additional copies of such document which may be printed at a cost not to exceed $1,200.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The resolution (S. Res. 335) authorizing additional expenditures by the Committee on Agriculture, Nutrition, and Forestry, for inquiries and investigations, was considered and agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investi-

gations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $813,000, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–596), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

Senate Resolution 335 would authorize the Committee on Agriculture, Nutrition, and Forestry from March 1, 1980, through February 28, 1981, to expend not to exceed $813,000 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $25,000 would be available for the procurement of the services of individual consultants or organizations thereof.

During the first session of the 96th Congress, the committee was authorized by Senate Resolution 42, agreed to March 7, 1979, to expend not to exceed $756,000 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be approximately $65,000.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 355) authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs, for inquiries and investigations, which had been reported from the Committee on Rules and Administration with amendments on page 1, line 1, strike "paragraphs 1 and 8 of rule XXIV";

On page 1, line 3, after "by" insert "paragraphs 1 and 8 of rule XXVI of";

So as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,193,000.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–598), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

Senate Resolution 355 would authorize the Committee on Banking, Housing, and Urban Affairs from March 1, 1980, through February 28, 1981, to expend not to exceed $1,193,000 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate.

During the first session of the 96th Congress, the committee was authorized by Senate Resolution 57, agreed to March 7, 1979, to expend not to exceed $1,137,600 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be approximately $27,337.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The resolution (S. Res. 346) authorizing additional expenditures by the Committee on Energy and Natural Resources for inquiries and investigations, was considered and agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurdiction under rule XXV of such rules, the Committee on Energy and Natural Resources is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committte on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,583,700, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–601), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

Senate Resolution 346 would authorize the Committee on Energy and Natural Resources from March 1, 1980, through February 28, 1981, to expend not to exceed $1,583,700 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount (1) not to exceed $25,000 would be available for the procurement of the services of individual consultants or organizations thereof, and (2) not to exceed $10,000 would be available for the training of professional staff of the committee.

During the first session of the 96th Congress, the committee was authorized by Senate Resolution 60, agreed to March 7, 1979, to expend not to exceed $1,465,000 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be approximately $37,977.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

The Senate proceeded to consider the resolution (S. Res. 351) authorizing additional expenditures by the Committee on Foreign Relations for inquiries and investigations. which had been reported from the Committee on Rules and Administration with amendments as follows:

On page 2, line 11, strike "$1,885,300" and insert "$1,782,300";

On page 2, line 12, strike "$70,000" and insert "$36,000";

So as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Foreign Relations is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,782,300, of which amount not to exceed $36,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations

for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–604), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

Senate Resolution 351, as referred, would authorize the Committee on Foreign Relations from March 1, 1980, through February 28, 1981, to expend not to exceed $1,885,300 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $70,000 would be available for the procurement of the services of individual consultants or organizations thereof.

During the first session of the 96th Congress, the committee was authorized by Senate Resolution 75, agreed to March 7, 1979, to expend not to exceed $1,464,000 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be nil.

The Committee on Rules and Administration has amended Senate Resolution 351 by reducing the requested amount from $1,885,300 to $1,782,300, a reduction of $103,000.

A breakdown of the reduction is as follows:

(1) Consultants, $34,000—from $70,000 to $36,000;

(2) Contingent fund, $25,000—from $25,000 to 0.

(3) Cost-of-living increase, $18,000—from $59,185 to $41,185; and

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 361) authorizing additional expenditures by the Committee on Governmental Affairs for inquiries and investigations, which had been reported from the committee with amendments as follows:

On page 1, line 2, strike "sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate" and insert "paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules";

On page 2, line 14, strike "$45,235" and insert "$58,735";

On page 2, line 17, after "amended)" insert a comma and "and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act)";

So as to make the resolution read:

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Governmental Affairs is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,610,800, of which amount (1) not to exceed $58,735 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all of such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting their particular branch of the Government;

(2) the extent to which criminal or other improper practices of activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety;

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and long-standing causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquility within the United States;

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(7) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it

by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1980, through February 28, 1981, is authorized, in its, his, or their discretion (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to holding hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–605), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 361 as referred would authorize the Committee on Governmental Affairs from March 1, 1980, through February 28, 1981, to expend not to exceed $4,610,800 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount not to exceed $45,235 would be available for the procurement of the services of individual consultants or organizations thereof.

During the first session of the 96th Congress, the committee was authorized by Senate Resolution 79, agreed to March 7, 1979, to expend not to exceed $4,328,100 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be approximately $400,566.

Upon the request of the Committee on Governmental Affairs, the Committee on Rules and Administration has amended Senate Resolution 361 by (1) increasing by $13,500—from $45,235 to $58,735—the amount which would be available for the procurement of consultants; and (2) inserting a provision which specifies that not to exceed $500 of the committees' total funds would be available for the training of its professional staff. No increase in the committee's total request of funds would result from this action. The Rules Committee is also reporting the resolution with a technical amendment.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 350) authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations, was considered and agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on the Judiciary is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on the reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,971,700, of which amount (1) not to exceed $177,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,350 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–606), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 350 would authorize the Committee on the Judiciary from March 1, 1980, through February 28, 1981, to expend not to exceed $4,971,700 for a study of matters within its jurisdiction under rule XXV of the Standing Rules of the Senate, of which amount (1) not to exceed $177,500 would be available for the procurement of the services of individual consultants or organizations thereof, and (2) not to exceed $3,350 would be available for the training of professional staff of the committee.

During the first session of the 96th Congress, the committee was authorized by Senate Resolution 48, agreed to March 7, 1979, to expend not to exceed $4,735,900 for the same or similar purposes. The committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be approximately $200,000.

ADDITIONAL EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

The resolution (S. Res. 353) authorizing expenditures by the Special Committee on Aging, was considered and agreed to, as follows:

Resolved, That the Special Committee on Aging, established by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, is authorized from March 1, 1980, through February 28, 1981, in its discretion to provide assistance for the members of its professional staff in obtaining specialized training, in the same manner and under the same conditions as a standing committee may provide such assistance under section 202(j) of the Legislative Reorganization Act of 1946, as amended.

SEC. 2. In carrying out its duties and functions under such section and conducting studies and investigations thereunder, the Special Committee on Aging is authorized from March 1, 1980, through February 28, 1981, to expend $342,600 from the contingent fund of the Senate, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislalative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than April 30, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at annual rate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–610), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 353 would authorize the Special Committee on Aging from March 1, 1980, through February 28, 1981, to expend not to exceed $342,600 for a study of any and all matters pertaining to problems and opportunities of older people. Of that amount (1) not to exceed $25,000 would be available for the procurement of the services of individual consultants, or organizations thereof; and (2) not to exceed $1,000 would be available for the training of committee professional staff.

During the first session of the 96th Congress, the special committee was authorized by Senate Resolution 65, agreed to March 7, 1979, to expend not to exceed $325,300 for the same or similar purposes. The special committee estimates that the unobligated balance under that authorization as of February 29, 1980, will be approximately $99,000.

H.R. 5913—AN ACT TO AMEND SECTION 502(a) OF THE MERCHANT MARINE ACT, 1936

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON, I ask that the Chair lay before the Senate a message from the House on H.R. 5913.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5913) to amend section 502(a) of the Merchant Marine Act, 1936.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 5913) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 11:31 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MORGAN).

The PRESIDING OFFICER. Is there further morning business?

SENATE RESOLUTION 381—SUBMISSION OF A RESOLUTION RELATING TO COMMEMORATION OF THE BICENTENNIAL OF THE SENATE OF THE UNITED STATES

Mr. ROBERT C. BYRD (for himself, Mr. BAKER, Mr. STEVENS, and Mr. HARRY F. BYRD, JR.) submitted the following resolution, which was referred to the Committee on the Judiciary:

SENATE RESOLUTION 381

Whereas the Senate of the United States in the year 1989 will celebrate the two hundredth anniversary of its establishment under the Constitution, and;

Whereas the Senate's historical development has been inextricably bound to the development of our national heritage of individual liberty, representative government, and the attainment of equal and inalienable rights, and;

Whereas it is appropriate and desirable to provide for the observation and commemoration of this anniversary, now therefore be it

Resolved, That there is hereby established a Study Group on the Commemoration of the United States Senate Bicentennary (hereafter in this resolution referred to as the "Study Group") to plan the commemoration of the U.S. Senate bicentennial.

SEC. 2. The Study Group shall be composed of the following members:

(a) the Majority Leader and Minority Leader of the Senate;

(b) the executive secretary of the Senate Commission on Art and Antiquities;

(c) five members of the Senate to be appointed by the President of the Senate upon the recommendation of the Majority and Minority Leaders of the Senate;

(d) three former members of the Senate to be appointed by the President of the Senate upon the recommendation of the Majority and Minority Leaders of the Senate;

(e) the chairman of the Senate Historical Office Advisory Committee;

(f) the Librarian of Congress, or his designee;

(g) the Archivist of the United States, or his designee; and

(h) two members of the Senate Historical Office Advisory Committee to be appointed by that committee's chairman.

SEC. 3. The Study Group shall select a chairman from among its members. Five members of the Study Group shall constitute a quorum. Any vacancy in the membership of the Study Group shall be filled in the same manner in which the original appointment was made.

SEC. 4. It shall be the duty of the Study Group to prepare an overall plan for commemorating the bicentennial of the Senate of the United States through an appropriate program of publications, exhibits, symposia, and related activities. The objective of this commemoration is to inform and emphasize to the Nation the role of the Senate from its historic beginnings through two hundred years of growth, challenge, and change. The Study Group in its planning is directed to develop a program that will draw upon the resources of current and former members, scholars, and the general public.

SEC. 5. Not later than eighteen months after the date of agreement to this resolution, the Study Group shall submit to the President of the Senate a comprehensive report incorporating its specific recommendations for the commemoration of the Senate's bicentennial. The report may recommend activities such as, but not limited to, the following:

(a) the production, publication and distribution of books, pamphlets, films and other educational materials focusing on the history and traditions of the Senate;

(b) bibliographical and documentary projects and publications;

(c) conferences, symposia, lectures, seminars, and other programs;

(d) the development of exhibits, including mobile exhibits;

(e) ceremonies and celebrations commemorating specific events; and

(f) the issuance of commemorative stamps.

SEC. 6. The report shall include proposals for such legislative enactments and administrative actions as the Study Group considers necessary to carry out its recommendations.

SEC. 7. The members of the Study Group shall receive no compensation for their services as such. Members appointed from private life shall be allowed necessary per diem and travel expenses to and from Washington, D.C. to be paid from the contingent fund of the Senate upon vouchers signed by the chairman of the Study Group and approved by the Majority Leader and the Minority Leader of the Senate.

Mr. ROBERT C. BYRD. Mr. President, under the Constitution that was adopted by delegates to the Federal Convention in Philadelphia and submitted to the States for ratification on September 17, 1787, the first session of the First Congress was to be held on March 4, 1789, in New York City.

The Senate first met on that date but was unable to obtain a quorum or conduct business until April 6, 1789, 1 month and 2 days later.

Not being able to conduct business eliminated the appointment of a Sergeant at Arms whom they could instruct to request the attendance of absent Members.

On Wednesdav, March 4, 1789, that being the day for the meeting of the new Congress, the following Members of the Senate appeared and took their seats: New Hampshire, John Langdon and Paine Wingate; Massachusetts, Caleb Strong; Connecticut, William J. Johnson and Oliver Ellsworth; from Pennsylvania—the State of my good friend, JOHN HEINZ, who is standing here—William Maclay and Robert Morris; and from Georgia, William Few.

So the Members present, not being a quorum, they adjourned from day to day until the following Wednesday.

On Wednesday, March 11, 1789, when the same Members were present as on the March 4 instant, it was agreed that a circular should be written to the absent Members, requesting their immediate attendance.

On Thursday, March 12, no additional Members showed up. So they adjourned until March 18.

On Wednesday, March 18, 1789, another letter was sent to eight of the nearest absent Members.

On Thursday, March 19, 1789, William Paterson, from New Jersey, appeared.

On Friday, March 20, 1789, no additional Senators appeared, and the Senate adjourned until the following day.

On Saturday, March 21, 1789, Richard Bassett, from Delaware, appeared, and the Senate adjourned from day to day until the following Saturday.

On Saturday, March 28, 1789, Jonathan Elmer, from New Jersey, appeared, and the Senate adjourned until Monday, April 6.

On Monday, April 6, 1789, Richard Henry Lee, from Virginia, appeared and a quorum was formed. The credentials of Members present were read and filed. John Langdon, from New Hampshire, was elected President of the Senate solely for the purpose of opening and counting ballots for President of the United States.

The reports of Senate proceedings were meager. Legislative as well as executive sittings of the Senate were held behind closed doors for the first 5 years until the second session of the Third Congress, with the single exception of the discussion of the contested election of Albert Gallatin as Senator from Pennsylvania.

On February 20, 1794, the Senate adopted a resolution which provided that, after the end of that session of Congress, the galleries of the Senate should be permitted to be opened while the Senate was engaged in its legislative capacity.

Mr. President, in 1989 the Senate will reach its 200th anniversary, and I am greatly interested in commemorating the bicentennial of the Senate in some appropriate manner.

I have had my staff, working with Mr. Richard Baker, the Senate Historian, and Mr. Jim Ketchum, the Curator on Arts and Antiquities, to formulate plans on how best to celebrate this very important event.

I believe that there is a wealth of in-house resources that can be drawn upon which would hold down the expenditures.

Among the resources that already exist in the Senate are the Office of the Senate Historian, which is advised by an independent advisory commission composed of prominent Government historians: the Commission on Arts and Antiquities, of which I am presently chairman and on which the minority leader, Mr. BAKER, and Mr. PELL, and Mr. HATFIELD, the chairman and ranking member of the Rules Committee, and Mr. MAGNUSON, the President pro tempore of the Senate, serve as members.

Third, I believe that former U.S. Senators could be involved in a way that might be historically significant and meaningful.

There are various ideas that have been explored by my staff and myself as possible components in the total commemoration.

Among these would be publications. The Historian's Office has already begun compiling material for a document entitled "Meeting Places of the U.S. Senate." There have been four such meeting places.

Plans are underway to complete a Senate Historical Almanac which would contain interesting factual anecdotes from throughout the Senate's history of general interest to Senators and the public at large.

The Senate possesses, or could borrow from other public agencies, many antique engravings of the Senate and its activities. The Government Printing Office has several expert engravers who could copy these engravings, and bind, print, and prepare for the Senate's distribution a commemorative folio.

CEREMONIAL OBSERVANCES

A session could be held for Senators in the old Senate Chamber, as was done when it was opened in 1976, with appropriate observances in New York City and Philadelphia also possible.

CONFERENCES

Several conferences could be called on topics of historical relevance: For example, the views of John Jay, James Madison, and Alexander Hamilton on "What is the Senate," published in the 1787 Federalist Papers.

EXHIBITS

The Senate possesses many historical papers and items, some of which have never been displayed. Some interesting items which only recently have been discovered include John Langdon's letter—he was the first President pro tempore—informing George Washington that he had been elected the first President of the United States; the message from President John Adams appointing John Quincy Adams as Minister to Prussia, the first example of nepotism in the new government; George Washington's first inaugural address; various drafts of the Bill of Rights; Presidential messages declaring World Wars I and II; and the message embodying the Monroe Doctrine; extensive files on President Andrew Johnson's impeachment trial; and various miscellaneous areas that could be explored, such as the issuance by the Postal Service of an appropriate commemorative stamp; the possible establishment of a group of interested citizens—patrons of the Senate—to handle money-raising and spending activities; dinners, sale of "limited edition" paintings; commissioning a preeminent American composer, to compose an appropriate musical tribute for the occasion, et cetera.

I have had a resolution prepared, and I have discussed introduction of the resolution with the distinguished acting Republican leader who has agreed to join with me in introducing the resolution. It would go to the Judiciary Committee for consideration by the Judiciary Committee under the chairmanship of the distinguished Senator from Massachusetts (Mr. KENNEDY), and the ranking minority member, Mr. THURMOND.

I will yield in a moment if I have any time remaining to the distinguished acting minority leader before I introduce the resolution.

Mr. STEVENS. Mr. President, I have discussed this matter with the distinguished Senator from West Virginia, the majority leader, and I am pleased to join with him, as the acting minority leader, to cosponsor the resolution.

I think it is most fitting that we explore thoroughly all of the items that have been mentioned by the Senator from West Virginia, and I do hope that the Members who are in the body now realize the responsibility we have to make certain that the institution of the Senate, as such, is recognized, and that this anniversary date is appropriately brought to the attention of the public.

I would be most happy to cosponsor, and I am most happy to cosponsor, the resolution with my good friend from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank my friend.

Now, Mr. President, on behalf of myself and Mr. STEVENS I send to the desk a resolution and ask that it be printed and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution may lie at the desk for the remainder of the day so that other Senators who may wish to join in cosponsoring may do so, after which, at the close of business today, the resolution then be appropriately referred.

Mr. STEVENS. Mr. President, I will ask that we use our hotline to notify Senators on our side of the aisle of the resolution that has been introduced, and I believe, in view of the fact that our minority leader is back in town, if the majority leader will agree, that we make this a resolution of the two leaders of the Senate, and I am happy to cosponsor the resolution on that basis, and I think 100 percent of the Senate will be glad to join in this.

Mr. President, I yield the floor.

EXTENSION OF ROUTINE MORNING BUSINESS

(During the foregoing remarks the following occurred:)

The PRESIDING OFFICER. The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for morning business proceed for an additional 10 minutes and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I yield to my good friend from West Virginia.

Mr. ROBERT C. BYRD. I thank my friend, the distinguished acting Republican leader.

NOMINATION OF ROBERT E. WHITE

Mr. ROBERT C. BYRD. Mr. President, shortly I will ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Robert E. White of Massachusetts to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador. I will make that request very shortly.

SENATOR BAKER WITHDRAWS AS A PRESIDENTIAL CANDIDATE

Mr. STEVENS. Mr. President, it is with sadness that I have just learned of the decision by our minority leader to withdraw from the race for the Presidency.

HOWARD BAKER is still a young man. He has dedicated his best efforts to the quest, but it seems that 1980 was not the right time for him. I believe he may be back seeking the position again 4 years from now, all the wiser from this experience.

It has been unfortunate that international developments have overshadowed the Presidential campaign so far. Hopefully that will end soon, and the Presidential campaign for 1980 will focus on the more important domestic policies that have resulted in our present crises with respect to the economy, energy, and Government overregulation.

Although I am sorry that circumstances have forced him to withdraw from the Presidential race, I am very happy to have HOWARD BAKER back at the helm.

MOTION TO GO INTO EXECUTIVE SESSION TO CONSIDER FIRST NOMINATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the first nomination on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I move the Senate go into executive session to consider the first nomination on the Executive Calendar.

Mr. HELMS. I object. Mr. President, I raise a point of order.

The PRESIDING OFFICER. Will the Senator state his point of order?

Mr. HELMS. The motion clearly is out of order, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, what is the basis on which the point of order is being raised?

Mr HELMS. The Senator can move to go into executive session but he cannot under the rules specify what we shall consider. The Senate determines its order of business in executive session only after going into executive session. It is not in order to determine the order of executive business while in legislative session.

The PRESIDING OFFICER. Under the rule, rule XXII, paragraph 1, and precedents thereunder, only a motion to go into executive session is in order.

Mr. HELMS. That is correct.

The PRESIDING OFFICER. There-

fore, the Chair sustains the point of order.

Mr. ROBERT C. BYRD. Mr. President, under the rule, a motion to go into executive session is in order. That motion would be nondebatable, and upon going into executive session, the Senate would automatically be on the first treaty without any further motion being necessary. I maintain that the Senate should be able to reach a nomination on the Executive Calendar without having to first go through the treaties or deal with a filibuster on the motion to proceed to the first nomination on the calendar. I appeal the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall——

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Mr. President, is the appeal from the ruling of the Chair debatable?

The PRESIDING OFFICER. The appeals are debatable.

Mr. McCLURE. Mr. President, I am concerned, and I must remain concerned, with the attempt that we seem to persist in in trying to adopt new rules or modify the rules by an appeal of the ruling of the Chair.

It may well be that the rule needs to be changed to make some provisions for moving selectively to a calendar according to the desire of the person making the motion. But it seems to me that ought to be addressed by an attempt to change the rules of the Senate.

The PRESIDING OFFICER. Will the Senator suspend momentarily? The Chair has to correct himself. The main motion to go into executive session is not debatable under the rule. Therefore, a subsidiary motion involving it would not be. Therefore, the appeal is not debatable.

Mr. McCLURE. Mr. President, will the Chair state whether or not the Chair may entertain, at his discretion, the remarks made by the Senator who desires to be heard on the appeal of the ruling of the Chair?

The PRESIDING OFFICER. The Chair can entertain debate only by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 10 minutes for debate, equally divided between the majority leader and the acting Republican leader or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields the time?

Mr. HELMS. Mr. President, on behalf of the acting minority leader, although obviously any appeal of a ruling of the Chair is debatable and the underlying point of order is not a subsidiary motion, as erroneously described by the Chair, I shall not make that point of order or ask that that issue be submitted. Therefore, I yield such time as the Senator from Idaho may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I thank the Senator for yielding and I thank the majority leader for making the unanimous-consent request.

I must again state what I tried to say here before; that when we are going to depart from the established usage under the rules, it seems to me we ought to talk about amendments of the rules, rather than by a majority vote on an appeal of the ruling of the Chair establishing new rules.

That is a game that has been played by many at different times in the history of the Senate. I think it is a very dangerous course of conduct upon which we have embarked ourselves in changing the rules of the Senate from time to time as may be convenient to meet the exigencies of a particular situation.

I appeal to my colleagues in this instance to sustain the Chair and that if there is a problem with respect to the movement to the executive calendar, that we address that by way of a proposal for a rules change, the consideration of that rules change in the Rules Committee, a recommendation to the floor of the Senate with respect to such a rules change and a vote upon such a rules change as is provided, not simply by changing the rules by majority vote to meet a particular situation such as the one we find ourselves in now.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield myself such time as I may require.

I raise this question with my friend from Idaho. What we have here is perhaps, at best, a matter of convenience for the majority leader. The question all Senators must confront is whether it is worth it to nail down a precedent which may rise upon us. Is that the view of the Senator?

Mr. McCLURE. Mr. President, I certainly concur with the Senator.

Mr. HELMS. Mr. President, the distinguished majority leader is going to be able to accomplish what he wants even though he may have to have a few rollcall votes this afternoon.

But this Senator feels that the rules of the Senate ought to be maintained and not amended, not changed, just for momentary convenience.

With all affection and respect for the distinguished majority leader, I do not quite understand why he does not care to follow the usual procedure. He has enough votes, undoubtedly, to win on the matter.

But this Senator feels very strongly about the nomination and I want to be sure that all Senators understand that the nominee is not pure as driven snow. More than anything else, I want to call to the attention of Senators the points that I think they ought to understand before they automatically confirm this nomination.

I assure my friend from West Virginia that it is not my intent to be an obstructionist, but I do think we ought to focus in on this thing, and I hope we can do it without a change of the rules of the Senate.

Mr. ROBERT C. BYRD. Mr. President, has the Senator finished?

Mr. HELMS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I do not see this as changing the rules of the Senate. I simply see it as determining what the proper precedent should be on the type of motion I have made. And, at some point in time, the Senate will make that determination. I think we might as well do it today.

I first asked unanimous consent that the Senate go into executive session to consider the first nomination. My good friend from North Carolina (Mr. HELMS) objected.

I would be very willing to ask that the motion be withdrawn, the ruling be vitiated, the point of order be withdrawn, the appeal be withdrawn, and that we proceed by unanimous consent to this nomination, if the distinguished Senator would be willing to, and then we will not be deciding the precedent. We would be delaying that until another day.

"He who fights and runs away lives to fight another day." We would all live to fight another day.

So, I would be willing to ask unanimous consent that the motion be withdrawn, the point of order be withdrawn, the ruling of the Chair be vitiated, the appeal be withdrawn, and that the Senate proceed to executive session to consider the nomination of Mr. White. I make that request.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to suggest the absence of a quorum so that I can confer with the majority leader briefly.

The PRESIDING OFFICER. Without time being charged to either side?

Mr. HELMS. Exactly.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, there is not time remaining for a quorum call.

The PRESIDING OFFICER. That is why the Chair asked if it would be under unanimous consent.

Mr. McCLURE. Mr. President, let us ask unanimous consent that there be.

The PRESIDING OFFICER. The Chair is advised that the Senators may yield back their time and then call a quorum.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, a quorum call is in order.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request. I have appealed the ruling of the Chair.

Let me state for the explanation of my colleagues—may we have order in the Senate, Mr. President?

Mr. HELMS. Will the Senator look at me so I can understand what he is saying?

Mr. ROBERT C. BYRD. Yes.

Mr. President, I have appealed the ruling of the Chair. The motion I have made does not contravene any rule of the Senate.

May I ask the Chair if that is an accurate statement?

The PRESIDING OFFICER. The Chair is advised that it is not mentioned in any rule and there is no precedent for it.

Mr. ROBERT C. BYRD. It does not contravene any precedent of the Senate. So the Chair has already answered both questions. My motion does not contravene any rule; my motion does not contravene any precedent. It merely establishes a precedent.

Heretofore, it has been determined by a precedent that a motion to go into executive session, being nondebatable, will automatically put the Senate on the first treaty without debate.

I maintain that a motion to go into executive session to consider the first nomination would be logical and justified in that it would allow the Senate to go directly to the first nomination on the Executive Calendar without debate just as the Senate may now go to the first treaty on the Executive Calendar without debate. The Senate should not be forced to go to a treaty in order to reach a nomination and run the risk of a double filibuster—one on the motion to proceed to the nomination and then a filibuster on the nomination itself.

I maintain that a nondebatable motion to go into executive session to consider the nomination of Mr. White is just as logical as moving to go into executive session to automotically consider the first treaty. Why should a motion to proceed to the first nomination be debatable when a motion to get to the first treaty is not debatable, I appealed the ruling of the Chair. I hope Senators will support my appeal.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished majority leader received a direct answer to his question, as stated.

But I ask the Chair, if since the beginning of the Senate, with the exception of the McGarry case which is not a precedent since there was no ruling, that it has been the custom of the Senate to take the items on the Executive Calendar in the order in which they appear—except by unanimous consent?

The PRESIDING OFFICER. Except by unanimous consent.

Mr. HELMS. Right.

The PRESIDING OFFICER. Or by motion to proceed to a specific matter on the Calendar after the Senate was in executive session.

Mr. HELMS. Right.

Now, Mr. President, if that is not the precedent, I do not know what a precedent is.

I have the greatest affection for my friend from West Virginia. I think he has testified on some occasions that I have endeavored to be cooperative with him. But the simple truth is that he wants the McGarry case to stand and the Senator from North Carolina does not want it to stand. No point of order was made in the McGarry matter. Such a point should have been made. The motion was out of order just as the motion made today is out of order and has been so held by the Chair.

Rule XXII provides that a motion to proceed to executive business is not debatable. Fine. That is not the issue. The issue is whether executive business itself can be conducted in legislative session. There are countless precedents that it cannot be done. Deciding which calendar item on the Executive Calendar to consider is clearly the transaction of executive business.

I call Senators' attention specifically to page 477 of Senate procedure. The statement there is as follows: "After the Senate goes into executive session, it determines its order of procedure for the consideration of executive business." The word used is "after"; not "before".

The Senator from North Carolina—and I hope some other Senators—is not willing to give the majority leader, or anybody else, a cafeteria-style mechanism in acting upon the Executive Calendar.

The majority leader wants to ignore the precedents and make the decision "before" not "after." This procedure gets the cart before the horse. It is wrong.

Also on page 477 of Senate procedure is the following:

> A motion to proceed to the consideration of executive business is not amendable.

If the majority leader had offered an amendment to require proceeding to a particular matter on the executive calendar, then the amendment would have been out of order. How then can he offer a motion which already contains an out-of-order amendment? It cannot be done.

I think we ought to stick with what the Senate has been doing ever since there has been a Senate, and that is the question here.

The Senator from West Virginia need not raise the specter of a filibuster on this nomination. I guarantee him right now that there will not be any filibuster. I will have a say about the nominee, and then I am through.

But I just do not want to tamper with what has been the custom of the Senate all these years.

Mr. ROBERT C. BYRD. If the Senator will yield, could we limit the debate?

Mr. HELMS. Surely. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the debate close in 2 minutes, 1 minute to a side.

Mr. HELMS. Right.

Mr. McCLURE. Reserving the right to object, and I will not object, would it be in order to move to make a parliamentary inquiry either before or after that 2 minutes?

Mr. ROBERT C. BYRD. I would hope the time agreed on for debate——

Mr. HELMS. I will give the Senator 1 minute.

Mr. ROBERT C. BYRD. That it would include the parliamentary inquiries.

Could we say 3 minutes, equally divided?

Mr. McCLURE. Fine.

Mr. HELMS. To put it into perspective, I ask unanimous consent that all proceedings subsequent to the ruling of the Chair be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I have to object because that would vitiate my appeal.

Mr. HELMS. Mr. President, that includes going to the White nomination.

Mr. ROBERT C. BYRD. What is it the able Senator wishes to vitiate?

Mr. HELMS. I wish simply for the ruling of the Chair on my point of order to stand and then we move by unanimous consent, to which I will agree, to the White nomination.

Mr. ROBERT C. BYRD. Mr. President, I object. I want the ruling of the Chair to stand. I want to appeal that ruling.

Mr. HELMS. That is precisely the point, as I stated.

I yield to my friend from Idaho.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Mr. President, is the motion made by the Senator from West Virginia divisible, presenting two questions, one to move to the executive calendar and the other to the consideration of the White nomination?

The PRESIDING OFFICER. That question is moot at this point for a point of order was made and sustained and an appeal is pending thereon.

Mr. McCLURE. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. In the event the point of order is sustained by a vote of the Senate, would it then be in order to ask for a division of the question?

The PRESIDING OFFICER. The motion would have been killed.

Mr. McCLURE. Excuse me?

The PRESIDING OFFICER. If the decision of the Chair is sustained, then the motion would be dead. If the point of order is sustained, if the Chair is sustained——

Mr. McCLURE. And if the Chair is overruled by the vote of the Senate, would it then be in order to ask for a division of the vote?

The PRESIDING OFFICER. The Chair thinks not.

Mr. McCLURE. I ask this of the Chair: Is it because of the ruling on the point of order or because inherently it is not subject to division?

The PRESIDING OFFICER. If the Chair is not sustained, then the Senate will have said that the motion is in order and therefore is not divisible.

Mr. McCLURE. It could be in order and still be divisible; could it not?

The PRESIDING OFFICER. The basis for the point of order is that it is the coupling of two motions.

Mr. McCLURE. So that if the Senate should vote to overrule the ruling of the Chair, we also would be deciding that a motion to proceed to a specific item on the calendar is not divisible.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. And should any other Senator at any time move to proceed to consideration of any other specific item on the executive calendar, that subject would not be divisible, under the precedent, if the vote of the Senate is to overturn the ruling of the Chair.

The PRESIDING OFFICER. If the motion was to go into executive session and to proceed to a specific nomination, the Senator is correct.

Mr. McCLURE. How about moving to proceed to a specific treaty?

Mr. ROBERT C. BYRD. Mr. President, the parliamentary questions do not go to the matter at issue here. I think the Senator is getting beyond the matter at issue.

Mr. McCLURE. I am trying to understand what the issue is.

Mr. ROBERT C. BYRD. The issue is whether or not the Senate will go into executive session to consider the nomination of Mr. White without debate on the motion.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLURE. I understand that that is what the Senator from West Virginia has moved, and I am trying to understand. If the Senate overturns the ruling of the Chair, what I understand the Chair to have said now is that in that event, such a motion, under the precedents, then would not be divisible.

Mr. ROBERT C. BYRD. That is correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. And if any other motion were made by any Senator, at any time, to move the executive calendar for a specific item on that calendar, such a motion would not be divisible in the event the Chair is overturned on this vote.

Mr. ROBERT C. BYRD. Mr. President, I maintain that that is a question for another day, another time.

The PRESIDING OFFICER. The Senator from West Virginia has 1½ minutes.

Mr. McCLURE. Mr. President, I wish to conclude by saying that I understand what the Senator from West Virginia is saying. I think the Chair has indicated that it would not be divisible, and I believe that is what the Senate would be voting on if it overturned the ruling of the Chair.

Mr. ROBERT C. BYRD. The Senator is correct—it would not be divisible.

I say again to my colleagues that the motion I have made does not contravene any rule. The motion I have made does not contravene any previous precedent. At some point in time, the Senate will decide whether such a motion is proper as made and whether it is debatable. I think we should determine it now.

I have appealed the ruling of the Chair. I maintain that if it is logical to move without debate, to go into executive session and automatically take up the first treaty, it should be logical to move without debate, to go into executive session to consider the first nomination.

There has to be a time when the Senate can go into executive session to consider the first nomination without debate. The first treaty should not stand in the way of the first nomination.

Consequently, I appeal the ruling of the Chair, and I hope the appeal will be sustained. A vote "no" will sustain the appeal rather than the Chair.

Mr. HELMS. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. Mr. President, the distinguished majority leader has entirely missed the point of my argument and the Chair's ruling. What he overlooked saying was that his motion is to bypass the SALT II treaty, to bypass the protocol amending the Halibut Fishery Convention and three other items on the executive calendar; and, in a supermarket fashion, go to a counter and pick out just one thing the Senator wants.

I say that this is a contravention of the procedures of the Senate since the Senate began. The Senate should not make this mistake, because the Senator from West Virginia is not confronting a filibuster on this nomination, and I think he knows it; and I reassure him about that.

I wish he would go ahead and ask unanimous consent to vitiate everything after the ruling of the Chair and then go into executive session, and I will go along with it.

The PRESIDING OFFICER. The time has expired.

The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from California (Mr. HAYAKAWA), and the Senator from New York (Mr. JAVITS) are necessarily absent.

The PRESIDING OFFICER (Mr. BOREN). Are there any other Senators who desire to vote?

The result was announced—yeas 38, nays 54, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—38

Armstrong	Boschwitz	Cochran
Baker	Byrd,	Cohen
Bellmon	Harry F., Jr.	Danforth
Dole	Kassebaum	Schweiker
Domenici	Laxalt	Simpson
Durenberger	Lugar	Stafford
Garn	Mathias	Stevens
Hatch	McClure	Thurmond
Hatfield	Packwood	Tower
Heinz	Percy	Wallop
Helms	Pressler	Warner
Humphrey	Roth	Weicker
Jepsen	Schmitt	Young

NAYS—54

Baucus	Glenn	Muskie
Bayh	Goldwater	Nelson
Biden	Gravel	Nunn
Boren	Hart	Pell
Bradley	Heflin	Proxmire
Bumpers	Hollings	Pryor
Burdick	Huddleston	Randolph
Byrd, Robert C.	Inouye	Riegle
Cannon	Jackson	Sarbanes
Chiles	Johnston	Sasser
Church	Leahy	Stennis
Cranston	Levin	Stevenson
Culver	Magnuson	Stewart
DeConcini	McGovern	Stone
Durkin	Melcher	Talmadge
Eagleton	Metzenbaum	Tsongas
Exon	Morgan	Williams
Ford	Moynihan	Zorinsky

NOT VOTING—8

Bentsen	Javits	Matsunaga
Chafee	Kennedy	Ribicoff
Hayakawa	Long	

The PRESIDING OFFICER. The decision of the Chair does not stand as the judgment of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the ruling of the Chair was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. The question recurs on the motion of the Senator from West Virginia, which is not debatable. (Putting the question.)

The motion was agreed to.

NOMINATION OF ROBERT E. WHITE TO BE AMBASSADOR TO EL SALVADOR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read as follows:

Nomination, Department of State, Robert E. White, of Massachusetts, to be Ambassador to El Salvador.

The Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I strongly support the confirmation of Ambassador Robert White to represent the United States in El Salvador. As many Senators will recall, this is not the first time this body has confirmed him for an ambassadorship. In October 1977, he was confirmed to serve as Ambassador to Paraguay—a post which he held until very recently and where he served with dignity and distinction. Indeed, Mr. President, we are not here today to consider a nominee new to the diplomatic community, but rather one who has made the Foreign Service his career and Latin America his area of expert knowledge.

In this regard, the record ought to show, as indicated by the report on this nomination, that the Foreign Relations

Committee gave this matter full consideration. Ambassador White testified before the committee on two separate occasions, February 5 and 21. He answered the committee's oral and written questions with candor and forthrightness. The committee was further impressed by the fact that the Ambassador-designate brings 25 years of Foreign Service experience to this post—17 of which he has served in the Latin American field.

From the committee's perspective, Mr. President, these qualifications are highly laudable and, under the present circumstances in troubled El Salvador, they are absolutely essential for effective representation there. Accordingly, on February 21, the committee voted 10 to 2 to report the White nomination favorably to the Senate.

Mr. President, I hardly need to remind my colleagues of the extraordinarily difficult time which the people and Government of El Salvador face. The violence and instability in that small and populous Central American country are unquestionably matters of humanitarian and political concern to the United States and to the countries of the region.

In the weeks, even days, to come, important decisions will be made by the Salvadoran Government, its people and the leaders of political factions of both the right and the left. And if events to date are any indication, the United States, along with other interested countries, will be called upon as well to make important policy decisions concerning that country. Already on the U.S. side there is evidence of the beginning debate within the administration, the Congress and among the American people regarding the formulation and delivery of an economic and military assistance package to El Salvador. To my mind, it is hard to overemphasize the potential gravity of these and other decisions yet to come. The United States will have many years to regret decisions poorly reached.

To make the appropriate decisions, to formulate sound policies, and to insure a high level of debate on the issues, one must have the best information possible. It may, in fact, come as a surprise to many of my colleagues to learn that on January 21, Ambassador Devine asked to be relieved of his post in El Salvador and departed the country on February 15. As a result, during the confusing and increasingly violent weeks which have followed, the United States of America has not even had an ambassador in that country.

Mr. President, this lamentable state of affairs cannot and should not continue. We need Ambassador White in El Salvador and we need him there now. It is imperative that this country have a representative at the highest level—someone fluent in the language of the country; someone with the ability to establish contact with all the interested parties; and, finally, someone who, in turn, can provide the administration and the Congress with sound information, the kind of information which only an expert on the scene can glean.

I urge my colleagues to approve the pending nomination.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, before discussing the pending nomination, the Senator from North Carolina would simply like to say that he hopes in the future the Senate will be more guarded about the manner in which it overturns the legitimate and obviously correct ruling of the Chair, because if we have much more of this sort of thing, Mr. President, we will reach the point that the rules of the Senate will be changed willy-nilly by a majority vote, depending on which party may be in power at the time.

I have been a part of the Senate off and on since the early 1950's, first as an administrative assistant to two of our great Senators from North Carolina and now as a Senator myself. I have always had the highest regard and the greatest respect for the grandeur of the Senate because it did operate by rules and precedents clearly established and Senators would support those rules and those precedents even when it was to their disadvantage to do so, because they understood that the Senate, as a legislative body, is vastly different from every other legislative body on the face of the Earth.

So what we have done to the Senate this afternoon was not becoming. I criticize no one and I do not diminish my respect for anyone.

But I say, nonetheless, Mr. President, that the Senate made a mistake. They made a mistake when no mistake was needed by those in the majority on this nomination.

I assured the majority leader that there would be no extended debate on this nomination. But he was insistent upon having a precedent which would, in effect, give him a supermarket approach to handling the executive calendar. I regret the vote of the Senate, but I thank Senators who wisely voted to sustain the Chair who had ruled properly and correctly.

Mr. President, the nomination of Robert E. White to be U.S. Ambassador to El Salvador at this time is a mistake. And I believe the accuracy of that statement will prove itself in the years to come.

I am sure that there are other posts that Mr. White could serve adequately. But at this particular time, in this particular place, El Salvador, Mr. White, in my judgment, would be a divisive force in a country already well advanced in the agony of political struggle.

The job in El Salvador requires a man of reason and compassion; Mr. White is an ideologue. I will make that clear, I hope, in my later comments.

The job in El Salvador requires a man committed to healing political divisions; and nothing could be clearer, Mr. President, than that Mr. White has scornfully written off most of the capable and experienced leaders of El Salvador.

The job in El Salvador requires a man with a realistic grasp of elementary free enterprise economics. Mr. White, in response to questions posed to him by the Senator from North Carolina, clearly demonstrated that he openly supports murky proposals to turn El Salvador's economic system sharply toward socialism.

The job in El Salvador requires a man with political sensitivity to the dangers of Marxism in Central America. Mr. White is a defender of what he himself called, in a response to my question, "The passionate left" in El Salvador. This is what he favors. This is what he defends, the passionate left.

Mr. President, Latin America is falling away from the United States and the rest of the free world rapidly, precisely because the United States has been supporting directly and indirectly Marxism or, at a very minimum, refusing to stand up against it.

Ninety miles off our shores, we have Cuba. In the Republic of Panama, we yielded to blackmail to a Marxist dictator. Look what is happening in Nicaragua. Go down the list and you will see the pattern of deficiencies on the part of the United States in standing up for freedom, in standing up for free enterprise.

Mr. White is not alone in his espousal of such concepts. That is precisely the point. The Department of State has for years pursued these bankrupt policies throughout Latin America with gathering momentum.

In many ways, the current superpoliticization of El Salvador may be laid right at the door of policies pushed by the State Department during the past half a dozen years. The U.S. record is one of unparalleled and arrogant intervention against the people of El Salvador. The present governing junta is an unconstitutional government acting illegally to set aside the fundamental rights of the people. Yet everybody knows that it was installed under pressure from the United States when its predecessor junta, also illegally installed by the United States, collapsed. So there the pattern rolls over and over and over.

Moreover, even as I offer these remarks, the U.S. State Department has just announced that it has warned responsible citizens of El Salvador not to seek to restore constitutional government to their country. Think of it. Our State Department warning the leaders, the responsible citizens of El Salvador: "Don't you try to reinstate your constitutional government."

What kind of foreign policy is that? It is a self-defeating, self-destructive foreign policy that is harming not only the countries involved, not only the United States and its standing in the world, but freedom in the world itself.

Just a few days ago the State Department's official spokesman, Mr. Hodding Carter, boasted—boasted—that U.S. policy toward El Salvador was "well known" and that it consisted of supporting "basic reforms that will give all of the people a more adequate share in the wealth of the country."

Mr. Hodding Carter to the contrary notwithstanding, the truth of the matter, as I shall try to emphasize a little

later in some detail, is that El Salvador has done a good job in creating wealth and distributing it broadly, particularly in view of its immense population and slender resources. El Salvador ranks up with the most mineral-rich, well-watered, and industrialized countries of Latin America in this regard and even begins to approach the United States in certain significant respects.

El Salvador can claim to have made progress, in the best sense of the term—progress for the people achieved through the actions of an enlightened and astute entrepreneurial class.

Of course, El Salvador can make more progress—for that matter, the United States could make more progress—but El Salvador can make more progress only if the political climate is favorable to such things that we talk about on the Senate floor, such as capital formation, job creation, reinvestment, and private enterprise.

But Mr. White, the man whose name is before us today as nominee to be Ambassador to El Salvador, made clear that he will have none of this. No way, he said. According to the mythology under which Mr. White operates—and I quote him precisely, Mr. President; these are Mr. White's own words:

> Discontent and violence in El Salvador are primarily the result of years of festering domestic, political, economic, and social problems.

He believes that:

> Capitalism in El Salvador is an alliance between large land-holders, business interests, and the army, designed to reap maximum profits, give minimum benefits and minimum salaries, prevent any kind of organization of the peasantry or the workers, and pay as little as possible in taxes into the public treasury, and to permit corruption that was rampant in the government of El Salvador.

Mr. President, the rabblerousers in our own country say this about the United States. This is rhetoric. This ignores and obscures the truth about the progress that El Salvador had made until we began intervening—when we began meddling, when we began giving our support, directly and indirectly, to Marxist forces—and does that sound familiar, Mr. President?

The subtlety of Mr. White's analysis would have done credit to Thorstein Veblen's portrait of the robber barons. If there ever were any truth to this crude caricature, it does no good now to revive such infantile boogeymen at a time of great crisis. I have no doubt that the leadership of El Salvador has about the same proportion of miscreants as would be found in any sample of human beings in any country anywhere in the world. But a reversion to the tedious rhetoric of class warfare is not going to win the confidence of the very men with the capital and expertise necessary to put El Salvador back into working order.

Mr. White is under the delusion that what he calls "reform" and what he calls "change" will be brought about by diminishing economic and political freedom through concessions to the left, to the Marxists, the Socialists. And, of course, that is the hue and cry in this country: We must move left; we must embrace socialism. And we have done it in this country, and look where it has brought us.

As for El Salvador, Mr. White specifically supports the current illegal junta's program of land reform, nationalization of banking, and nationalization of exports. All three represent the substitution of ideology for economics—and all three, of course, represent the substitution of ideology for economics.

The experience of lesser developed nations everywhere is that the ideologization of economics results in stunted or no growth. It results in lower standards of living and, most important of all, it lends itself to a slide toward totalitarianism in a desperate struggle to make absolute government control work.

That is what Moscow believes in. That is what Hanoi believes in. That is what Castro believes in. And that is what we are, through the likes of Mr. White, advocating in El Salvador. I say, Mr. President, this is not only a strange foreign policy, it is a dangerous foreign policy for a nation that professes to believe in the free enterprise system.

Look at the nations around the world that have encouraged the free enterprise system, that have encouraged individual entrepreneurs, such as Taiwan, Hong Kong, Singapore, South Korea, and Chile. Is it not an arithmetical fact that all of these and others have experienced real progress in rates of growth and a rapid expansion of the standard of living for every economic level of society? Of course it is true.

Land reform has been a disaster in every country where it has been tried. I challenge any Senator to give me an exception. Land reform is a flop. It works against the best interests of the people.

Land reform and other such programs are not intended to improve agricultural output, but to provide political power to ideologues. It is noteworthy that El Salvador, through the use of modern agriculture, has achieved efficiencies of production that exceed most of Latin America, and even, in some cases, rivals the United States.

Yet Mr. White is going down there and he is going to advocate land reform. What he will be doing is advocating a turn-around in a system that has made El Salvador one of the most productive nations in Latin America.

Of course, such methods as El Salvador had in encouraging agricultural production require proper scale, conservation, equipment investment, and long-range planning. That is true there, that is true in the United States, that is true everywhere where the free enterprise system prevails. But if land were confiscated and broken up, this agricultural base is going to be destroyed.

That is precisely what Mr. White indicated clearly in his responses to my questions. That is what Mr. White intends to do. That is what he intends to advocate when he becomes U.S. Ambassador to El Salvador. That is the reason—one of them—that I am on my feet in an empty Senate Chamber today, making a record—because, a few years from now, I think I shall be somewhat comforted to look back and say, "Well, I tried. I tried to warn my colleagues."

Moreover, Mr. President, if all the arable land were divided up among the inhabitants of El Salvador, each one would receive three-tenths of an acre. This would not even provide subsistence. Moreover, the disruption of the agricultural pattern would break the back of the economy in general, destroy the export market, and reduce foreign exchange to negligible amounts. It should be pointed out that El Salvador has no mineral resources, and is only beginning to build industry. Its primary source of wealth is its agriculture. Any scheme to tamper with the agricultural system could well result in misery, hunger, and deprivation, both among the rural and urban populations. It is hard to conceive of such a policy as "reform."

ECONOMIC PROGRESS IN EL SALVADOR

I submit that there is no evidence that the situation in El Salvador is one of economic oppression. It is well known, for example, that income distribution statistics in the United States show that the top 20 percent of American families receive 41 percent of the national income, and the lowest 20 percent get only 5.4 percent of the national income. Yet no one calls this oppression in the United States.

In El Salvador, the top 5 percent of the population received 24 percent of the national income, and the lowest 20 percent received 5.7 percent, according to the 1977 statistics of the OAS Economic and Social Council. I found it rather interesting to note that, to attempt to justify his case, Mr. White stated that the top 5 percent got 38 percent of the income, without giving any source for his statistics.

This is the old shell game of those who advocate the things that Mr. White advocates.

They draw statistics out of the air and put them down as the holy writ, right straight from Sinai. When we say, "I want to get your figures." He says, "Oh, well, we will tell you later."

They cannot tell me later because his statistics are not correct.

Moreover, the OAS figures for El Salvador look especially good compared to those for all of Latin America: The top 5 percent got 32.7 percent for all Latin American countries, and the lowest 20 percent got 3.7 percent.

Indeed, the situation has been improving rapidly, despite the efforts of the terrorists to wreck the economy. The minimum wage in agriculture has increased 37 percent between 1976 and 1979, and for those workers in seasonal crops, 77 percent.

The United Nations has an economic indicator called the Gini which measures concentration of wealth. For El Salvador, the Gini is 0.50, which the U.N. classifies as "moderate," comparing it with Argentina, Chile, Costa Rica, and Venezuela.

A recent World Bank study shows that in El Salvador, 20 percent of the urban population and 30 percent of the rural population live below the poverty line. Of course, as we have discerned in our own country, poverty lines can be manipulated by political interpretation.

As a matter of fact, as ranking member of the Senate Committee on Agriculture, Nutrition and Forestry, we had two lengthy meetings today in which this poverty line was bandied around.

Of course, the poverty line is whatever some group of politicians say the poverty line is.

But for all Latin America the figures are 43 percent as calculated by the ILO and 41 percent as calculated by ECLA—U.N. Latin American Economic Commission. So again El Salvador is doing far better than most, or, at least, it was until the Marxists began to move in and take over.

The leftwing junta, supported by the U.S. State Department, and the likes of Mr. White, who is the nominee under consideration by the Senate today.

Indeed, the World Bank study shows a dramatic improvement in income distribution between 1965 and 1977, despite the rapid growth of population in El Salvador. Most of the increased distribution has affected the lower 40 percent of the people, incomewise.

As far as the tax burden is concerned in El Salvador, between 1971 and 1977, tax collections as a percentage of the GNP increased from 11 to 17 percent. This is one of the highest in Latin America. In 1962, direct taxes accounted for 28 percent of the revenues. In 1977 they accounted for 55 percent of the revenues. The indirect taxes, those which presumably affect the poor the most, decreased accordingly, from 71 percent in 1962 to 45 percent in 1977.

Mr. White, in response to my questions indicated that he believed that landownership was concentrated, with 78 percent in the hands of 10 percent of the landowners. He neglected to say that many of these landowners were corporations, such as we have in the United States, that have the capital to invest in long-range plans, and to provide greater benefits for their employees, precisely as it is in the United States. Moreover, the trend is slowly moving away from concentration, with the present level down from 83.8 percent in 1967.

Furthermore, 61 percent of the land is under cultivation in farms of less than 100 hectares. There is already a land distribution program in operation, which in 1978 awarded 8,300 hectares, and in 1979 awarded 36,200 hectares to cooperatives representing 5,000 persons. Unfortunately, the productivity of such distributions has declined.

Nevertheless, Mr. White believes that the "concentration of land in the hands of a small group and the emphasis on exportation of agricultural products are factors influencing the poverty in which a large part of the nation of El Salvador lives." Just the opposite is the case; in so far as national earnings have been increased and have achieved better distribution, it is because of the earnings from agricultural exports. The notion that emphasizing exports somehow induces poverty is completely wrong. The fantasy that taking a nation back to stone-age socialism is progress is either the result of ignorance or of callous disregard for the sufferings of the poor.

Indeed, it is also wrong that exports are overemphasized. In 1978, basic food production increased 38 percent, making El Salvador self-sufficient in food.

Mr. White has indicated that he feels the best-run countries in Latin America are Costa Rica, Venezuela, Colombia, and Ecuador. Yet in the 1978 statistics published by the Inter-American Development Bank, that, to take just two significant indices of social welfare, El Salvador surpasses all of them in the percentage of governmental spending either for education, or public health, or both. Specifically, the figures are:

[In percent]

	Education	Public Health
El Salvador	22.4	9.6
Colombia	13.2	6.6
Venezuela	13.6	5.2
Costa Rica	34.3	4.0
Ecuador	30.4	9.5

Similarly, although El Salvador has a tragic rate of infant mortality, it is no worse than most Third World countries, and, in deaths per thousand, is about the same as such relatively rich Latin American countries as Colombia, Venezuela, and Mexico, according to the IADB figures. When the statistics for deaths under 5 years due to malnutrition are examined, El Salvador is comparable to Argentina, Colombia, Brazil, and Mexico.

Despite this record of progress, a case could be made that an even better record could have been accumulated if there had been considerably less intervention by the government in the economic sector. The socialist measures which have been forced upon El Salvador by U.S. pressure have impeded progress, rather than encouraged it. Moreover, they have contributed enormously to the atmosphere of increasing politicization that has devastated political life in El Salvador, and encouraged terrorism. The first steps that should be taken should be the depoliticization of the economy El Salvador. The most effective and efficient method for increasing the distribution of wealth is to remove political values from the system of distribution. Only a value-free economy can raise the standard of living of the poor.

THE POLITICAL SETTING AND REFORM

The terrorism that is now tearing apart the social fabric of El Salvador is the product of middle-class intellectuals who have substituted ideology for reality. The belief that revolution arises from "oppression" of the masses is a romantic concept that almost never bears the test of examination. Although many revolutionaries may be sincere in their compassion for the poor, the fact is that their revolutions are most often the creature of narrow ideology, beginning with an intellectual dissent from the established order. These passions are fueled with training, arms, and tactics provided by organized international movements.

I will digress. Nobody would describe Cuba under Batista, or Batista's predecessors, as a rose garden. But what happened to Cuba when the Marxist ideologue Castro took over? Did things improve or did they get worse?

Ask the families of the thousands upon thousands of Cubans who were sent to the wall, executed by firing squads.

I do not profess to believe that any country on earth has achieved the rose garden status—El Salvador among them. But I will say this, Mr. President. El Salvador, under a free enterprise concept, was way ahead of what El Salvador will have under a Marxist, socialist dictatorship.

No government can permit such organized dissent from the social structure. Once a movement for the violent overthrow of the system takes hold, the government, if it loves liberty, must take immediate steps to protect the national security. We believe that in the United States. It is fundamental to our self-preservation. Democracy cannot flourish where an organized minority dissents from the political consensus with a violent aim, nor can we expect that democratic methods will appease the sworn opponents of the system. Rather, a government so threatened, must undertake reform.

Reform must have two aspects. The first reform must deal with those who advocate the violent overthrow of the government. Social order must be restored, even if it means the use of deadly force against those using the same deadly force against the innocent people of the community. Surely, if we know anything—looking at the Iran, Afghanistan, and other violent trouble spots around the world—we must know that organized terrorism is, in fact, a declaration of war, and the rules of war must be applied. This Senator believes that the United States should move promptly to assist any free government which is under assault from organized terrorism. The cynicism that is more tenderhearted toward terrorism than toward the human rights of a nation at large has undermined the credibility of our intentions.

The second aspect of reform involves the elimination of corruption and the alleviation of economic problems. But if the latter part of reform is conceived of as the need to impose socialism, the reform will only aggravate the problem, creating economic decline and destroying the incentives of those who otherwise would be seeking economic progress. No benefits can be distributed to the poor unless the nation as a whole earns more; nor can they be distributed fairly by government edict. The traditional wisdom of Western society is that benefits should come from improved opportunities.

I simply do not believe that the United States, if it wishes to survive—if it wishes freedom to survive—can stand by and watch promising nations lapse into the stifling bonds of socialism. We cannot wait until the social fabric of a nation has been torn asunder before offering advice and diplomatic support. Nor do I believe that the United States should be in the general posture of offering government to government economic assistance. But if such assistance is offered, it ought to be conditioned upon the acceptance of certain reforms. But we must get over the idea that pushing a nation over the cliff of socialism constitutes "reform." Reforms should require the recipient to get out of government intervention in the economy, instead of forcing the recipient to expand socialistic practices.

PAST U.S. SUPPORT OF SOCIALISM

I have recently received a statement from a very distinguished citizen of El Salvador. He must remain nameless, because his life is under constant threat. However, he is a true moderate, acknowledged as deeply dedicated to democratic principles, and a man of great attainment and distinction in his profession. He is not a businessman, nor is he a member of the mythical "14 families" in El Salvador. The only thing he has lost is his freedom. The background he provides is truly eye-opening.

This gentleman points out that the U.S. State Department and the U.S. Embassy in San Salvador have constantly intervened in the international affairs of El Salvador since 1962. This intervention has always been to push the country to the left, toward Marxist socialism.

In 1962, the United States insisted that El Salvador nationalize its central bank, nationalize the Salvadoran Coffee Co., adopt a system of price controls, exchange controls, and high tariffs, strengthen left-wing trade unions, and install a burdensome "social security" system. The effect of this Government's intervention—I am talking about the U.S. Government intervention; I am talking about the U.S. Department of State—has been to slow down capital formation and economic growth, thereby making it more difficult to raise the standard of living for the poor of El Salvador.

Parenthetically, Mr. President, it needs to be said over and over again that the only way any nation ever can improve its standard of living is by increasing its productivity. That has been the miracle of America until fairly recently. Productivity was regarded as the epitome of the U.S. economic system; and as long as we struggled and worked to increase productivity, the standard of living of the American people rose. I think most Americans can testify of their own knowledge what has happened in the United States since we have been trying to make a god of government. We have been struggling to have the Federal Government support more and more people, fewer and fewer people producing less and less.

My friend from El Salvador, who made his report to me, stated that the U.S. Embassy also insisted upon a "progressive income tax" and the imposition of the highest property taxes in Latin America. They may not be absolutely the highest, but near the top.

In 1965, the U.S. Embassy insisted that the government—that is to say, the El Salvadoran Government—tolerate the Communist takeover of the university there. Do Senators know what the grounds were for that insistence by our State Department? Our State Department contended that if the El Salvadoran Government would just let the Communists take over the university, that would somehow contain subversion. That is the intellectual level of some of our diplomats in the State Department. Of course, all it did was to give a base to subversion, to strengthen the hand of subversives by giving them a headquarters from which to operate—and a respectable headquarters, at that. Our embassy even invited some of the Communist faculty members to go to the United States and take seminars, thus lending what I suppose could be called even more respectability and credibility.

The U.S. Embassy was deeply involved in the organization of labor union movements in El Salvador, advising on tactics and training. People may disagree over whether the labor union movement helps or hinders workers in improving their status, but it is certainly no business of the United States of America to organize such movements in foreign countries.

My friend says that U.S. Ambassador Murat Williams was deeply involved in the organization of the Christian Democratic Party, the one which presently finds so much favor with the State Department. He says that Ambassador Raul Castro frequently made disparaging remarks about the business and agricultural leaders of El Salvador; and Ambassador Ignacio Lozano—these are predecessors to Mr. White, by the way—was so obnoxious in his behavior that President Romero asked for him to be recalled even before Lozano took office.

Ambassador Frank Devine was so outrageous in his application of the so-called human rights policy that he insisted that terrorists, who had been involved in violent crimes, were "political prisoners" and had to be released.

Ambassador Devine and Ambassador Bowdler openly worked with the opposition to overthrow the present government. They demanded that President Romero resign and that new elections be called, even though the Salvadoran Constitution provides for elections at regular intervals, similar to the procedures in the United States. Assistant Secretary of State Viron Vaky and Ambassador Christopher van Hollen—who was only an inspector of embassies—made the same demands during visits to El Salvador.

This was the report given to me by my Salvadoran friend, a man who, as I pointed out, is a moderate, committed neither to the politicians nor to the business leadership. His only bias is a yearning for freedom.

Of course, the State Department would assert that the allegations are not true. Indeed, Mr. White virtually impugned the integrity of my friend. Even though Mr. White could not possibly know who had provided the information, he immediately asserted that the view was "highly partisan," by someone who "has been hurt by the course of events," and who "probably has been economically damaged by what has gone on."

At the same time, Mr. White seized upon the recent statements of Archbishop Romero of San Salvador, whom he termed "the most forceful and popular figure in El Salvador today," saying that "we have to take very serious account of what he says." Yet it is well-known in El Salvador that the archbishop's voice is in the minority of the five bishops in the country. What happened to the other four?

Even though Mr. White is disinclined to agree that the U.S. Embassy has been an unfortunate source of politicization in El Salvador, it is nevertheless clear that his intention is to continue the scandalous record of U.S. intervention in the affairs there.

But, in any case, the State Department has indirectly confirmed the views of my Salvadoran friend just a few days ago, when Department spokesmen informed the press that the U.S. Embassy in El Salvador has worked openly to keep the illegal junta in power—despite the lack of confidence in that government which is displayed everywhere in the country. The State Department freely stated that it had called in prominent politicians, businessmen, military leaders, and so forth, to warn them that U.S. aid would be suspended if the illegal junta were dissolved, and the putative reforms were not put into effect.

It is noteworthy that the present junta, with decree No. 114—issued only a few days ago—suspended certain key constitutional rights wherever they might conflict with the supposed economic and social reforms demanded by the U.S. Government.

El Salvador needs less politicization, not more of it. The terror needs to be put down and needs to be stopped. The economic situation needs to be stabilized. And that is where our policy should be directed. Our policy should be to support depoliticization and security, so that working people and farmers can go about their lives and jobs in peace. Until the fundamental human rights are restored, it is a misplaced priority to expect a full-blown democracy to reemerge. Our policy should be to support neither the left nor the right nor the center, but to go beyond politics to the basic issues of freedom.

INTERVENTION TODAY

The reason that U.S. foreign aid has failed so disastrously is that it too often has been conditioned upon the premise that it should be used to establish socialism in the recipient country. Our own experience as a free nation has been disregarded. The result has been tragic both for the United States and for the recipients. El Salvador has been a case in point.

Concessions to the left, to the Socialists, undermine the stability of social progress and raise aspirations that realistically cannot be fulfilled. So long as any degree of freedom is left in a country, the objections to socialism will increase, resulting in an even greater degree of oppression from the left.

There may be those, such as Mr. White, who believes that we have allowed the El Salvadorans to make their own decisions. But paradoxically, the only "reforms" that we support are those which are not reforms at all, but mileposts on the road to serfdom.

I believe, on the contrary, that true reform means a movement in the direction of greater freedom, both intellectual and economic. I hope that the people of El Salvador believe the same.

If they do, they will reject the policies of Mr. White and his colleagues. They will see that the responsible elements of El Salvadoran society must move to restore constitutional government what-

ever Mr. White, or Mr. Bowdler, or Mr. Vaky say.

If they allow themselves to be seduced by the blandishments of foreign aid imposing political control and economic socialism, they will not only be destorying their country, but destroying themselves as well.

The nomination of Mr. White is like a torch tossed in a pool of oil. Will his arrival in San Salvador be the signal for the second stage of civil war, with another nation destroyed for the sake of narrow ideology? Will El Salvador become another Nicaragua where the blemishes of one government become the excuse for the devastation of the country?

Mr. President, I listened attentively to Mr. White. I exchanged questions and answers with him, giving him every opportunity to give one signal that it would be his intent to stand up for free enterprise and for freedom in his new assignment, and he said, "I will support the passionate left." He sends the wrong signal to a troubled nation.

Mr. President, that is why this Senate should reject his nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE ON NOMINATION TO OCCUR AT 4:50 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I have discussed this with Mr. HELMS. I understand that it is agreeable with Mr. STEVENS. I ask unanimous consent that the vote occur on the nomination 20 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 4:50 TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when Mr. HELMS completes his statement, which will be brief, the Senate stand in recess until 4:50 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina is recognized.

WHITE'S RECORD IN PARAGUAY

Mr. HELMS. Mr. President, not only has Mr. White demonstrated his antagonism toward private enterprise in El Salvador, but he has also shown that he has absolutely no interest in helping American private enterprise operate in foreign countries. It appears that his antagonism is toward the private sector generally. That is the only conclusion I can draw from an account of his activities as Ambassador to Paraguay which has been furnished to me.

This document is an official memorandum which was sent in through the dissent channel by an embassy employee in the U.S. Embassy in Paraguay, giving the particulars on Mr. White's dismal record in that country and his antibusiness attitude. It may well be that Mr. White conceived of his mission there as—to quote his own words—a period of "creative tension." But that is no reason at all to minimize service to U.S. private enterprise and investment.

Mr. President, even though this memorandum came in through the dissent channel, the facts in it speak for themselves. This is no ad hominem attack; it simply states the facts. Mr. White is either directly responsible for the situation, or he just did not care enough to get it straightened out. Here are some of the facts:

First. In an 18-month period, the Embassy had not sent in a single self-initiated report on any trade opportunity or major project.

Second. The officers of the American Embassy rarely made calls on business or government commercial leaders, and had not done any systematic thinking as to how to help the U.S. improve its position in the market.

Third. The Embassy was in arrears in responding to the Department of Commerce's World Trade data reports, desk studies on Paraguayan companies requested by U.S. industry, and in responding to requests for agents for U.S. firms under Commerce's agent-distributor service.

Fourth. The Embassy's commercial action plan listed only two minor projects as targets for United States participation, and no work had been done on them.

Fifth. There was no comprehensive long-term plan for penetration of the booming Paraguayan market, and the Embassy did not even know the schedule of events at the San Paulo Trade Center which serves Paraguay.

Sixth. From March 1978 to September 1979, there was an entire series of major opportunities for U.S. investment that were not reported, or, after prodding from Washington, reported too late for an American company to get its bid in.

The Ambassador discouraged reporting on Paraguay's plan to build a railroad to its free port on the Brazilian coast. Over a period of 6 months, representatives of six companies had come to look at the $400 million project. When my correspondent finally was permitted to send a cable to Washington about the project, a sentence was added saying that a 1970 World Bank study had recommended that the project be scrapped. Yet no such study ever existed.

Another failure was in not reporting in a timely manner Paraguay's desire to build a larger cement plant to exploit one of the world's largest deposites of dolomite lime. With three huge dams under construction, Paraguay's Minister of Commerce traveled to Europe in 1978 to look for help with the cement industry. The Embassy delayed reporting until the Germans had locked up the contract. The Embassy also waited until bids had closed on a 500,000 ton agricultural lime plant. Cables on Paraguay's steel mill and new international airports were only sent after requests from Washington.

Cables concerning Paraguay's port development were put through despite active discouragement from the Ambassador. But no follow-up cable was allowed.

My correspondent was told that Paraguay had frustrated U.S. interest in a 200-mile irrigation canal after the Israelis got the contract. But the U.S. company had received no discouragement from Paraguay; the problem was with the Embassy. The commercial officer in the Embassy had not been in the Chaco agricultural area, where the canal was proposed, in 18 years.

The Embassy was completely unaware that the U.S. aluminum and chemical industries are not finalizing long-term plans to set up their electro-intensive operations in Paraguay. The Embassy had never reported on Paraguay's desire to exploit its large natural gas deposits, or the fact that commercially exploitable quantities of petroleum and uranium may exist.

Seventh. The Embassy was extremely deficient on reporting on the true social conditions, or the improving political situation.

Mr. President, I ask unanimous consent that this entire memorandum, with its appendices, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, this past history of Mr. White demonstrates once again that he is more interested in ideology than he is in helping people. He is more interested in destabilizing governments than he is in performing the routine and necessary tasks of his post. I think that it is obvious that his lack of interest in private enterprise, his relish for the cliches of socialism and revolution, and his lack of sympathy for improving the economic situation of the countries to which he is Ambassador is further evidence that he is not qualified for this sensitive post in El Salvador.

Mr. President, in voting to approve this nomination, Senators will be voting not only for the man, but for a policy. We have to recognize that we are dealing with a revolutionary situation, not only in Central America, but in many places throughout the world.

The issue this afternoon, with this nomination, is how the United States is going to react to this development.

The issue is whether the United States is going to encourage the trend toward Marxism, or whether the United States is going to encourage the forces of moderation and stability.

We have to decide whether the word "reform" is just a code-word for heating up the passions of revolution, or whether "reform" means improvements which will support the development of free enterprise and stable constitutional government.

We have to decide whether we believe in our own system.

We have to decide whether we think that individual freedom, the freedom to choose, is the most important element in developing a dynamic society, or whether we think that Government bureaucrats can actually increase productivity and

devise a fair system for the distribution of earnings.

If any Senator thinks that socialism is the answer, then he will vote for Ambassador White. If he thinks that another Cuba, or another Nicaragua is the answer, then let him tell that to his constituents by voting for Mr. White.

Mr. President, I fear that the confirmation of Mr. White will be an invitation to leftists and anarchists to redouble their efforts at revolution, to make demands that are even more implacable.

Revolution has its own inner dynamic. It drives itself, and it is not appeased. Yesterday's demands are insufficient to meet today's, and tomorrow's demands are impossible of fulfillment. The philosophy that believes that meeting yesterday's demands will satisfy today's revolution is a philosophy that leads to defeat and surrender.

Mr. White is under the illusion that he can feed the revolution and thereby tame it. He is the wrong man, at the wrong time, and in the wrong place. I urge the Senate to reject his nomination.

I yield the floor, Mr. President.

EXHIBIT 1

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., January 24, 1980.

Memorandum for Anthony Lake—S/P.

Subject Why State is Losing 162 Commercial Positions to Commerce—A Case Study of Embassy Asuncion.

Dissent channel message.

Desired distribution: ARA, EB, HA, M/DG, M.

Picture a small developing country that has historically had such good relations with the U.S. that one of its departments is named after an American president, which regularly votes with the U.S. in international fora, and whose commercial leaders have traditionally looked to the United States as the source of new technology and products. Now picture that country building $26 billion of hydroelectric projects in the next ten years, one of which, the world's largest dam, will come on line in 1983.

Now imagine that the country must make a decision by 1981 as to how much of the electricity it will consume internally or sell to one of its giant neighbors, and that the country's commercial sector is frantically looking for ways to consume the maximum amount of its half of the electricity internally.

Now picture that country with a great underdeveloped agricultural potential, open spaces for population growth, firm plans to build railroads, streetcars, highways, two new international airports, a steel mill, cement plant, hotels, develop its rivers and ports, and great potential for solar energy, as well as favorable indications for natural gas, oil, and uranium.

One would think that the U.S. Embassy would be a beehive of commercial activity uncovering and reporting specific trade opportunities and major projects, as well as developing a long term plan for commercial penetration of the country.

What a surprise it would be to learn that in an 18 month period the Embassy had not sent in a single self initiated report on any trade opportunity or major project, whose American officers and Foreign Service Nationals (FSNs) rarely made calls on business or government commercial leaders, and had not done any systematic thinking as to how to help the U.S. improve its position in the market.

The above describes the situation at our Embassy in Paraguay, where I was recently stationed as commercial officer. Before reporting to Asuncion I paid a visit to Commerce where an office director complained that the post was very much in arrears in responding to World Trade Data Reports, desk studies on Paraguayan companies requested by U.S. industry, and in responding to requests for agents for U.S. firms under Commerce's Agent-Distributor Service.

Upon my arrival at post I found that the post's commercial action plan listed only two minor projects as targets for U.S. participation and no work had been done on them. Not only was there no comprehensive long term plan for penetration of this booming market, the post did not even know the schedule of events at the Sao Paulo Trade Center which serves Paraguay.

From March 1978 to September 1979 there was an entire series of major opportunities for U.S. investment that were either not reported, or reported only after prodding from Washington, when it was too late for an American company to get its bid in.

In January 1979 the newspapers in Asuncion started carrying nearly weekly articles about Paraguay's desire to build a railroad to its free port on the Brazilian Atlantic coast, as well as upgrade the existing line to Argentina. Over the subsequent six months representatives of six countries came to Paraguay to do studies of the projects, some of them repeating visits made previously.

When I suggested that we do a cable reporting the opportunity so that American firms would be aware of the $300–$400 million project, I was consistently put off. I went to see the President of the railroad anyway, who told me that he would welcome proposals by U.S. firms.

Using the impending visit of the Foreign Service Inspectors as a lever, I was able to get out a cable on the subject. However, the editor inserted a sentence to the effect that a 1970 World Bank study had recommended that the railroad be scrapped. When I returned to Washington, Commerce's Major Project Division told me that sentence was the reason that no American companies had followed up on the lead. I also discovered that no one at the World Bank had ever heard of the study, which did not surprise me because we could not find any trace of it at the post.

The sentence concerning the reputed World Bank recommendation was a complete red herring in any case. Since 1970 two world gas crises had driven the price of gasoline to over $3.00 a gallon in Paraguay. Even more importantly, in 1973 Paraguay had signed treaties to build the Itaipu dam, the world's largest, with Brazil, and the Yacyreta dam, the world's longest, with Argentina.

A third dam will also be built on the Parana River, making Paraguay the world's largest reservoir of developed hydroelectric power. When the first turbines at Itaipu come on line in 1983 the Paraguayan government will be in a position to supply its nationalized railroad with electricity at cost or even at a subsidized rate.

The fact that a presidential decision had been made to build the railroad as a national priority was never reported by the post, not even when the decision was headlined in the press on the basis of a statement made by the Paraguayan Foreign Minister at an awards ceremony for the Brazilian Vice-President in August 1979.

No reporting was done on the railroad because of the unexamined prejudices of the senior officers at the Embassy. I was told that "no one builds railroads anymore", "maybe a hundred years ago", and when I reported the desire of officials at the cement plant to have a rail connection, "A lot of people here are full of ——."

When I returned to Washington I contacted the engineering consulting firm that supervises the construction of Washington's Metro and helped Conrail lay 3,200 miles of track in the United States between 1976 and 1979. The firm, which is already involved in Latin America, was very interested in the Paraguayan rail project.

A second failure of the commercial section was in not reporting in a timely manner Paraguay's desire to build a larger cement plant. Paraguay's existing plant exploits one of the world's largest deposits of dolomite lime. With three huge dams under way or about to begin, and a building construction boom in Asuncion, Paraguay's Minister of Commerce traveled to Europe in 1978 looking for help for its cement industry.

Embassy Asuncion did not report the extensive press coverage of the trip, and did not do a report on the project at all until prodded by Commerce on the basis of trade publication stories. In the meantime the Germans had locked up the contract for the first stage expansion of the plant. Asuncion also waited until bids had closed on a 500,000 ton a year agricultural lime plant to be built in conjunction with the cement plant.

Cables on Paraguay's steel mill and new international airports were only sent in after prodding by Commerce's Major Projects Division and the Federal Aviation Agency.

I managed to push through a cable on time concerning Paraguay's desire to do major river and port development even though I was told "the Ambassador doesn't want us to get involved in the port project." I was undoubtedly helped by the worst flooding in seventy years which drove thousands of poor people from their homes.

However, when no response came back I was not allowed to send a followup. Back in Washington, I discovered that Commerce's Major Projects Division had either never received the cable or had lost it. I contacted a company which was active in port development in Iran and the company is so enthusiastic that it may open a branch office in Asuncion.

An area which has been nearly totally neglected in Embassy reporting for years is agricultural development. The government has made the development of the Chaco a national priority. Extensive press coverage was given to a 1979 Israeli plan to cut a two hundred mile irrigation canal from the Paraguay River into this zone which has the potential of southern California.

When I suggested we report the opportunity I was told of an American company which had expressed an interest in the project, and had supposedly gone away frustrated, with unhappiness on the Paraguayan side also. Although this case was cited as an example as to why no American companies should be encouraged to come to Paraguay, I visited the Defense Ministry official in charge of the project, anyway.

I discovered that not only was he in frequent contact with the company and regarded it as a prime prospect for the project, but the official had spent time in the home of one of the company's executives in the U.S. I am attaching copies of a letter from the company and an Embassy memo which together demonstrate the incredible lack of knowledge of the host country by the Embassy staff.

This situation is exemplified by the fact that the commercial FSN has never been in the Chaco in his 18 years with the Embassy, even though the Chaco represents sixty percent of the country's territory.

The Israeli plan to develop the Chaco will undoubtedly include solar energy, as they are currently marketing solar hot water heaters in Paraguay through a Brazilian subsidiary. In March 1979 I wrote a memo suggesting that the Embassy do demonstration projects of solar energy products and electric vehicles, a memo which was characterized as a "crackpot."

I sent the memo through the Dissent Channel, where it was rejected as not being a "major foreign policy issue". S/P did distribute the memo, however, with the result

that the Department sent someone to Asuncion with a view to putting solar hot water heaters in the Embassy.

In spite of the fact that several million dollars was appropriated for the purpose of using solar in our foreign buildings last fiscal year, no installations have been effected. Asuncion has not complied with a request to supply the Department with data on sunshine, as the Embassy's contacts with the Paraguayan government are so poor that it cannot even obtain basic meteorological data. Our AID mission could tell me nothing about its solar water pump project in the Sahel.

Upon returning to Washington I discovered that Commerce and the Department of Energy have a special program to aid the U.S. solar industry survive in the short term by exporting. I contacted several companies which are highly interested in getting into the Paraguayan market, which has been characterized as one of the seven best for solar by the Latin American Economic Organization. I gave them specific trade opportunities which I had uncovered in solar but not allowed to send in.

In addition to not reporting the obvious trade opportunities, the Embassy has done no imaginative thinking to help Paraguay use its huge hydroelectric potential. The issue is a highly nationalistic one, as Paraguay's treaty with Brazil requires it to sell any unused power to Brazil exclusively at prices that are so unfair that the treaty has been called "Brazil's Panama Canal."

I was criticized for suggesting to a chief engineer in the electric utility that they might want to buy electric powered autos, even though he told me that the utility had been attempting to do so for sometime, unknown to the Embassy.

I was not allowed to send in the trade opportunity even though the utility subsequently told me it was "desperate" to convert its entire fleet of service vehicles to electric. I therefore wrote personal letters to three U.S. manufacturers, got prices and specifications, which I gave to the utility with the result that it ordered an electric van.

An obviously delighted purchasing engineer for the utility then passed on another project to me, telling me that Paraguay wanted to get into methanol production in a big way. Methanol, which can be used to fuel vehicles, can be produced from hydrogen as a feedstock.

Hydrogen, which is a pure fuel, can be separated from water through electrolysis, a procedure that holds great prospects for a country with a superabundance of electric power. However, the Embassy has never reported this opportunity, so I contacted the company which built a methanol plant in the Soviet Union, which company expressed interest.

The Embassy was completely unaware that the U.S. aluminum and chemical industries are now concretizing long term plans to set up their electro-intensive operations in Paraguay. Asuncion has never reported Paraguay's desire to exploit its large natural gas deposits, or the fact that commercially exploitable quantities of petroleum and uranium may exist.

Aside from sheer laziness, ignorance, and poor analytical judgment, Asuncion has also held back on trade reporting on the unspoken feeling that pushing U.S. commercial interests would be inconsistent with the human rights program. Since a policy has never been articulated different persons in the mission speculate as to the reasons for the lack of action.

Some opine that it would be pointless to report trade opportunities because U.S.-Paraguayan relations are so poor that no U.S. company could win a bid. This attitude is not an accurate assessment of Paraguayan feelings. For instance, a high official in the cement plant told me "we know who our friends are and we know you have the technology."

This individual was critical of the Embassy staff "enclosing itself" and not maintaining contacts in the community, but he saw that I was treated royally on a self initiated trip to the cement plant in the interior.

Occasionally the post expresses a negative attitude openly. Asuncion reportedly recommended that the U.S. vote against a soft IDB loan for tourism development because the government had arrested a leading opposition figure, even if it would cost us the $400 million Yacyreta turbine contract.

That person was Domingo Laino, who seems to have a penchant for expressing criticism of President Stroessner in a way that constitutes a public kick in the groin in his most embarrassing moments. Laino's arrest on this occasion was due to his crowing over the fact that Stroessner had been denied an interview with the president of Brazil, the implication being that Stroessner had attempted to renegotiate the Itaipu treaty and had been rebuffed.

Given the regime's acute sensitivity over this issue, it is a measure of human rights progress in Paraguay that Laino was released after several months rather than held indefinitely. I was surprised to find on my arrival in Paraguay, given its reputation as a hotbed of fascism, that Laino's books criticizing the government for corruption and for allowing Brazilian penetration of the economy could be bought freely on the main square.

That the right of free speech and press is generally observed in Paraguay is not contradicted by the thirty day closure of two newspapers last summer. The papers were closed during the tensest period of negotiations with Argentina over the design of the Yacyreta. The issue had aroused intense Paraguayan nationalism as the design planned would flood 1,000 square kilometers of Paraguayan territory.

It was apparent that both papers were printing leaks from well informed sources in the government that were critical of the government's handling of the negotiations. While the edict closing the papers from the Ministry of Interior would not meet the ACLU's standards of due process, who can deny that there is pressure even in western democracies for press censorship when classified information on a vital issue is leaked?

I was allowed to report extensively on Paraguay's demand for a renegotiation of the Yacyreta treaty as the demand for compensation or a new dam design could be presented as examples of Paraguayan corruption and unreasonableness. I was thus allowed to report the papers' wailing that generations of Paraguayans would suffer from the government's botched negotiating tactics, while having comments favorable to the Paraguayan position edited out.

Items not reported to Washington were statements by the former Argentine ambassador that Paraguay had cause to be upset as Argentina had not fulfilled its promises made at the time of the 1977 design negotiation, and my requests for comments from Embassy Buenos Aires on my judgment that Argentina had too much to lose not to build the dam due to its energy crisis.

Understandably, ARA opined in an official-informal that Paraguay appeared to have seriously overplayed its hand in the negotiations. Stroessner's critics were left with egg on their faces when he succeeded in wringing over a billion dollars in compensation from Argentina.

Undoubtedly one of the causes of the biased reporting coming out of Asuncion is the unhappiness of most of the officers at being assigned there. At least one key officer openly expresses his contempt for the Paraguayan people who are as pleasant as any I have met, and several others seem to be only waiting for the end of their tours.

With no commitment to help the country, the Embassy is merely engaging in posting for a small group of elitist super activists who are ready to believe anything bad they hear about Paraguay, no matter how unreliable. One result of this is that my predecessor spent six whole months doing nothing except flying around the country looking for examples of mistreatment of Indians.

The charges were absurd on their face, as anyone who is at all familiar with Paraguay knows that it is a racially mixed society which preserves its Guarani language with pride. Paraguay has also reduced its political prisoners from several thousand to a handful.

The Embassy did not report the intensity of the Colorado Party primary, which showed that there are real democratic choices exercised in the dominant party. I personally witnessed a hard fought election contest that split the President's own precinct nearly fifty-fifty.

Embassy officers will admit that if a free national election were held today that Stroessner would get well over half of the votes, perhaps seventy percent by one estimate. We support single party regimes all over the world that are far less effective at providing for basic human needs than Paraguay.

However, our attitude seems to be expressed by one of the church sponsored publications in the U.S. which admitted that it mistakenly thought Paraguay would be a "pushover." Even though opposition leaders such as Laino would have no chance of coming to power in a free election, we continue to follow this chauvinistic line. We have cut ourselves off from having any influence when the 68 year old Stroessner dies, leaving behind a Colorado Party organization that will undoubtedly choose his successor.

The irony of our lack of output in the commercial section is that Commerce did not take the position in Asuncion under the reorganization. State thus has a chance to redeem itself and increase our leverage over future events in Paraguay.

THE RESOURCE SCIENCES CORP.,
Tulsa, Okla., September 4, 1979.

DEAR MR. ———: Please excuse my delay, but your letter of August 22nd was waiting for me on my return to Tulsa. Dr. Horacio Sosa, of the Ministerio de Defensa Nacional, has written me of your visit, and discussion with him on our behalf. We are most appreciative that you have kept our interest in the development of Paraguay in mind. We also appreciate the information that the government of Paraguay is still interested in the development of the water resources of the Chaco, and in keeping in touch with us regarding our extensive efforts over the last several years in this regard.

You apparently are aware of our very detailed proposal, which took more than a year to prepare, and which was submitted in early March of 1978. This proposal was the result of gathering the requirements and objectives of several of the Ministries, and we discussed this proposal with President Stroessner. There is a definite possibility for follow on sales of American equipment and services, as our proposal had a number of stages that would have required almost ten years to complete. It was a very broad proposal for the development of water resources, agriculture, and light industry. American equipment in irrigation, farm machinery, and construction and engineering was visualized.

We have had contact with the AID people in Washington, and also have acted as a consultant to them in underdeveloped countries. Your suggestion that funds under Section 661 might be available, under AID, is well worth pursuing further. We had also

envisioned American technology in biomass processing equipment that would produce sugars, alcohols, animal feed, and fiberboard.

I am leaving on a trip tomorrow overseas, but will ask my associates to send you a copy of our proposal, as well as a bit more elaboration on what opportunities there would be for American participation after the initial studies were completed. You of course realize that we propose our firm would be the Program Manager for the ongoing phases of development of townsites, water supplies, irrigation, transportation, and light industry.

Our company has had a long history in Paraguay, having built the original Trans-Chaco Highway to Filadelphia, and having had for a number of years a large exploration concession for oil and gas. We have also proposed a minerals evaluation for other minerals in the Chaco that might increase the natural resources industries of the country.

Incidentally, our proposal was made at the invitation of Minister Ugarte, and his staff largely directed what went into the proposal. Also, Dr. Sosa, of the Ministry of Defence, gave a lot of advice and time during our preparation. We did have a representative in Paraguay, but did not renew the agreement with him when it expired this spring.

Many thanks again for your interest, and the initiatives which you have taken on our behalf.

Yours sincerely,

DAVID R. WILLIAMS, Jr.

SEPTEMBER 8, 1978.

James J. Gormley, ECON
Williams Brothers Proposal
The Ambassador
Thru the DCM

The DCM asked for some background material on the Williams Brothers' proposal for an overall development plan for the Chaco. I spoke with Anderson, too, and he told me that the company had given the Embassy considerable material. Whether they did or not, there is very little in our files.

From Henry's recollection, the proposal originated with Williams Brothers as the first step toward further consulting and engineering business in Paraguay. The company was not responding to "felt needs" on the part of the Paraguayans. Henry said that when Williams first approached the Embassy about the idea he was negative and for that reason Ms. Carbone cut him out of further discussions with the company.

Williams officials saw the President, and the Defense and Commerce Ministers, who all told them what a wonderful idea it was and that they were behind the plan one thousand percent. Armed with this enthusiasm, the Williams people returned to the States and drew up a proposal on how to approach the development plan. Williams may have spent a couple of hundred thousand dollars on project preparation with the idea of getting back a few million when the plan was accepted. Williams approached the World Bank and the IDB about financing the cost of the full study but did not seem to have much success.

The formal proposal was submitted to the Minister of the Defense in March at which time company officials also saw the President and Ugarte, all of whom told them how nice the proposal was.

Anderson was back the week of August 28 to follow up on the March proposal and found out that nothing had happened. Defense had turned the proposal over to Commerce, but there it lies. Anderson had been here for three days when I saw him and had not yet seen Ugarte who was busily preparing to attend a conference in Buenos Aires. Anderson did not check back so I do not know whether he got to see Ugarte. Anderson seemed quite disillusioned about the lack of action on the proposal and the apparent unwillingness of the government of Paraguay to put up any money to finance the study. It is surprising to me that a company with Williams' international experience should have taken so long to awaken to Paraguayan reality.

Williams probably never had too much of a chance in the absence of a perception by the government that the development of the Chaco was an important national priority. But they did not help themselves by engaging as their local representative a man of shady repute who was also a liberal. If one wants to engage a crooked representative, there is no shortage of qualified Colorados.

I do not know whether the Embassy encouraged Williams at the beginning. If it indeed did, it would not have been the first time that boosterism by Embassy people cost a U.S. company money when what it needed was some cold water thrown on its proposal.

At some time the drawing up of a rational plan for the development of the Chaco may become something that the Paraguayan government is willing to pay for. However, as of now, they would be happy if someone else would.

RECESS UNTIL 4:50 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 4:50 p.m.

Thereupon, at 4:33 p.m., the Senate recessed until 4:50 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LEVIN).

Mr. CHURCH. Mr. President, I wish to express my thanks to the distinguished Senator from Rhode Island (Mr. PELL) for the services he rendered in connection with this nomination.

In the course of the committee's consideration of Ambassador-designate White, I had two separate occasions to question him on both his previous foreign service experience as well as his insights into the current troubled situation in El Salvador. It is my view, based upon a variety of sources of information, that the improved human rights situation in Paraguay today is in large measure due to his own keen interest in the issue and to the influence he brought to bear. I believe that Mr. White displayed great candor in discussing his new post as well. At one point, in response to committee questions, he stated that while he knew Central America well, he had not been in El Salvador for some time. Then he added that "I think there is no worse expert than the man who used to be there." I think he is right.

At this moment, the United States does not have anvone of ambassadorial rank in El Salvador. But we have today the opportunity to remedy that situation; to send someone with the necessary qualifications and experience; and to demonstrate to him that he has the backing of the U.S. Senate as he undertakes this difficult assignment.

For these reasons, Mr. President, I urge my colleagues to join me in voting to confirm the nomination of Ambassador-designate White.

● Mr. HUMPHREY. Mr. President, on February 27, 1980, I requested that a hold be placed on floor consideration of the nomination of Robert White to be Ambassador to El Salvador. Given the extremely volatile situation that currently exists in El Salvador, it is exceedingly important that the U.S. Senate closely examine this nomination.

I have placed a hold on this nominaton for the following reasons:

First. Mr. White is considered a proponent of closer ties between the United States and the Castro government of Cuba, and is regarded by the leftist Council on Hemispheric Affairs as a leading liberal in the Department of State.

Second. If posted to El Salvador, Mr. White would represent the United States in a country torn by internal dissension and terrorism, with most of the terrorist activity coming from a leftwing which looks to Cuba for ideological and material support.

Third. Mr. White's economic policies tend toward the promotion of expropriation as a valid means of agricultural reform for El Salvador. Further, he supports a reform program there which includes nationalization of the banks and of the export industries, among others. Rural unionization he finds a valid reform tool.

Fourth. Mr. White dismisses as "unconfirmed reports" the growing supply of weapons, money, and manpower for the radical terrorists of El Salvador from Cuba, both directly and indirectly supplied; from Nicaragua and from other outsiders. Yet, a steady supply of such support for terrorists in El Salvador continues at a rapidly accelerating pace.

Fifth Mr. White attempts to place the blame for El Salvador's growing problem with terrorism as "primarily the result of years of festering domestic, political, economic, and social problems." He dismisses foreign agitation and support for El Salvadoran terrorism. Yet, he also sees no real solution to the internal problems of El Salvador: "I would be amazed if Salvadorans did not remain discontented. I would just hope they put that discontent to constructive use, and that we help them in appropriate ways."

Sixth. Mr. White cites Costa Rica, Venezuela, Colombia, and Ecuador as coming closest to his ideal of properly and justly run nations. Yet, in critical areas of comparison, El Salvador tops each of these nations. Two significant indices of social welfare, percentages of government spending for education and public health, point this out: El Salvador is a leader in these areas.

Seventh. Viewed in the context of the extremely volatile situation that currently exists in El Salvador, with rumors of coups and countercoups rampant, a controversial figure like Mr. White well could fuel extremists to take regrettable action.●

The PRESIDING OFFICER. The question is on the confirmation of the nomination.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert E. White, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from North Carolina (Mr. MORGAN), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 71, nays 17, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—71

Baucus	Eagleton	Nunn
Bellmon	Exon	Packwood
Biden	Ford	Pell
Boren	Glenn	Percy
Boschwitz	Hart	Pressler
Bradley	Hatfield	Proxmire
Bumpers	Heflin	Pryor
Burdick	Heinz	Randolph
Byrd, Harry F., Jr.	Hollings	Riegle
Byrd, Robert C.	Huddleston	Sarbanes
Cannon	Inouye	Sasser
Chiles	Jackson	Schweiker
Church	Johnston	Simpson
Cochran	Kassebaum	Stafford
Cohen	Leahy	Stennis
Cranston	Levin	Stevens
Culver	Magnuson	Stevenson
Danforth	Matsunaga	Stewart
DeConcini	McGovern	Stone
Dole	Melcher	Talmadge
Domenici	Metzenbaum	Tsongas
Durenberger	Moynihan	Weicker
Durkin	Muskie	Williams
	Nelson	Zorinsky

NAYS—17

Armstrong	Jepsen	Thurmond
Garn	Laxalt	Tower
Goldwater	Lugar	Wallop
Hatch	McClure	Warner
Helms	Roth	Young
Humphrey	Schmitt	

NOT VOTING—12

Baker	Gravel	Long
Bayh	Hayakawa	Mathias
Bentsen	Javits	Morgan
Chafee	Kennedy	Ribicoff

So the nomination was confirmed.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF ROBERT E. WHITE

Mr. ROBERT C. BYRD. Mr. President, the Senate earlier today voted 38 to 54 not to sustain a ruling of the Chair; the Chair had ruled that a point of order would lie against a motion I had made which was—that the Senate go into executive session and take up the first nomination on the Executive Calendar.

I appealed the ruling of the Chair. It is somewhat unusual for me to do so.

The late Senator Richard Russell advised me, many years ago, to vote whenever possible to uphold the Chair. I have always remembered and heeded that advice.

In this instance, however, I felt that there was no precedent on this matter.

It was not my intent to change a precedent. Nor was it my desire initially to set a new precedent. I originally asked unanimous consent that the Senate go into executive session for purposes of considering the first nomination on the Executive Calendar—which was the nomination of Robert White to be Ambassador to El Salvador. Such a unanimous-consent order is not unusual and it does not establish any precedent. On many occasions the Senate has agreed to proceed in such a way.

But objection was heard to my request and therefore I moved that the Senate go into executive session and that it take up the first nomination on the calendar.

But, as I noted today, the Senate had never before decided the precise question which I raised. We know that a motion to proceed to executive business is in order. We know that, once in executive session, a motion to proceed to take up a particular nomination is in order. I was merely "coupling" the two.

My motion was a logical extension of the precedents—not a change, not a deviation. Under the precedents, a motion to go into executive session is in order; upon going into executive session, the Senate would automatically be on the first treaty. I maintained that the same procedure would be appropriate for nominations.

All Democratic Members of the Senate present and voting voted with me. Several of them discussed this issue with me before voting, and with the Parliamentarian. Senators were troubled by the fact that they would be voting against the Chair. Many prefer to uphold the Chair wherever possible—as I do.

The problem, however, was that the Chair had ruled on a point of order on which there was no direct precedent. In my view, the question was an open one.

It is important to note that the precedent which the Senate established today, by its vote, does not tie the hands of the Senate. It simply makes it possible for a motion to be made that the Senate go into executive session and that such a motion include the provision that the Senate, once into executive session, turn to the first nomination on the Executive Calendar.

The Senate remains free to vote that motion up or down and reject that motion, if it wishes.

The occupant of the Chair depends on the advice of the Parliamentarian in responding to points of order and parliamentary inquiries, but the occupant of the chair is no more bound to support the Chair's ruling than is any other Senator if an appeal is made. He has the same right and duty, as has any other Senator, to decide according to his own conscience and personal judgment as to the correctness of the Chair's ruling which is based on the Parliamentarian's advice on a point of order where there is no previous precedent.

I think that the Senate was well served by the vote which took place. No one's rights have been abridged; no precedents have been overturned. I thank those Senators who supported my motion. I think that they acted correctly.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for the introduction of bills and resolutions for referrals only, and the Senators may speak therein 10 minutes each, and that the period not extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:27 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 643) to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3398) to amend the Food and Agriculture Act of 1977 relating to increases in the target prices for the 1979 crop of

wheat, corn, and other commodities under certain circumstances, and for other purposes.

The message further announced that the House has passed the bill (H.R. 3838) for the relief of Clarence S. Lyons, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the concurrent resolution (H. Con. Res. 282) expressing the sense of the Congress with respect to the recent foreign-inspired attempts to undermine the stability of Tunisia, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1792. An act to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Simon Wiesenthal;

H.R. 1829. An act for the relief of Loraine Smart and Robert Clarke;

H.R. 3398. An act to adjust target prices for the 1980 and 1981 crops of wheat and feed grains to extend the disaster payment programs for the 1980 crops of wheat, feed grains, upland cotton, and rice; and to authorize the Secretary of Agriculture to require that producers of wheat, feed grains, upland cotton, and rice not exceed the normal crop acreage for the 1980 and 1981 crops; and

H.J. Res. 493. Joint resolution providing for the appointment of William G. Bowen as a citizen regent of the Board of Regents of the Smithsonian Institution.

HOUSE BILL AND CONCURRENT RESOLUTION REFERRED

The following bill was read twice by title and referred as indicated:

H.R. 3818. An act for the relief of Clarence S. Lyons; to the Committee on the Judiciary.

The following concurrent resolution was read by title and referred as indicated:

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress with respect to the recent foreign-inspired attempts to undermine the stability of Tunisia; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3107. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, the annual report on applications for conditional resistration under certain sections of the Federal Insecticide, Fungicide, and Rodenticide Act for fiscal year 1979; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3108. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under the German Offset Agreement for the quarter October 1 through December 31, 1979; to the Committee on Appropriations.

EC-3109. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on four construction projects to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-3110. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on three construction projects to be undertaken by the Naval and Marine Corps Reserve; to the Committee on Armed Services.

EC-3111. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the sixth annual report on the HUD Coinsurance Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3112. A communication from the Director of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend the national flood insurance program under the National Flood Insurance Act of 1968, and the crime and riot reinsurance program under title XII of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-3113. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a request for a correction in proposed legislation submitted to the Congress on February 26, 1980 dealing with the Rock Island Railroad Employee Assistance Act; to the Committee on Commerce, Science, and Transportation.

EC-3114. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the fiscal year 1981 and 1982 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3115. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report stating that in light of the adoption of certain legislation a report of the Department of the Indiana Toll Road Commission is no longer necessary; to the Committee on Commerce, Science, and Transportation.

EC-3116. A communication from the Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, for the information of the Senate, notice that the report on United States participation in the World Weather Program for fiscal years 1980 and 1981 will be transmitted to the Congress in April 1980 and suggestions for changes in United States participation in the World Weather Programs; to the Committee on Commerce, Science, and Transportation.

EC-3117. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursunt to law, notice that the Commission is unable to render a final decision in Investigation and Suspension Docket No. 9215 (Sub-No. 1), ConRail Surcharge On Paper from Mehoopany, Pennsylvania, within the specified seven month period; to the Committee on Commerce, Science, and Transportation.

EC-3118. A communication from the Attorney General of the United States and the Chairman of the Board of Directors of the United States Railway Association, transmitting, pursuant to law, a report on the feasibility of transferring the litigation functions of the United States Railway Association; to the Committee on Commerce, Science, and Transportation.

EC-3119. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the total itemized revenues and expenses of each train operated by the Corporation for the month of November 1979; to the Committee on Commerce, Science, and Transportation.

EC-3120. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Emergency Fund Act (Act of June 26, 1948, 62 Stat. 1052); to the Committee on Energy and Natural Resources.

EC-3121. A communication from the Under Secretary of Energy, transmitting, pursuant to law, a report on federal policies to promote the widespread utilization of photovoltaic systems; to the Committee on Energy and Natural Resources.

EC-3122. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3123. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings relating to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3124. A communication from the Assistant Secretary of Energy for Conservation and Solar Energy, transmitting, notice that report of the Department of Energy on standard classifications and practibility of electric motors and pumps will be delayed to provide for more detailed analysis; to the Committee on Energy and Natural Resources.

EC-3125. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3126. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the eighteenth report on abnormal occurrences at licensed nuclear facilities for the third calendar quarter of 1979; to the Committee on Environment and Public Works.

EC-3127. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Columbia River Bridge Feasibility Study"; to the Committee on Environment and Public Works.

EC-3128. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Progress in the Prevention and Control of Air Pollution in 1978"; to the Committee on Environment and Public Works.

EC-3129. A communication from the Acting Special Representative for Trade Negotiations, transmitting, pursuant to law, an attachment to the bilateral trade agreement with India of July 26, 1978; to the Committee on Finance.

EC-3130. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "U.S. Income Security System Needs Leadership, Policy, and Effective Management"; to the Committee on Finance.

EC-3131. A communication from the President of the United States, transmitting, pursuant to law, a notice of his intention to pend the designation of Afghanistan as a beneficiary developing country for the purposes of the Generalized System of Preferences; to the Committee on Finance.

EC-3132. A communication from the President of the United States, transmitting, pursuant to law, a notice of his intention to issue an executive order designating Ecuador, Indonesia, Uganda, Venezuela, and Rhodesia (Zimbabwe) as beneficiary developing countries for the purposes of the Generalized System of Preferences; to the Committee on Finance.

EC-3133. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to

law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 25, 1980; to the Committee on Foreign Relations.

EC–3134. A communication from the Secretary of the Treasury, transmitting a draft of proposed legisltaion to provide for increased United States participation in the International Development Association, to provide for United States participation in the African Development Bank, and for other purposes; to the Committee on Foreign Relations.

EC–3135. A communication from the Chairman of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report of the Commission for calendar year 1979; to the Committee on Foreign Relations.

EC–3136. A communication from the Vice President of the Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, the annual report on receipts and expenditures of the Company for calendar year 1979; to the Committee on Governmental Affairs.

EC–3137. A communication from the Director of the Office of Management and Budget, Executive Office of the President and the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the performance of functions and duties of the Office of Management and Budget and the Department of the Treasury for calendar year 1979; to the Committee on Governmental Affairs.

EC–3138. A communication from the Chairwoman of the Merit Systems Protection Board, transmitting, pursuant to law, a report of the Board on the number of appeals processed to completion, number of appeals on which action was not completed, and the reasons therefor for calendar year 1979; to the Committee on Governmental Affairs.

EC–3139. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, notice of a new system of records for the Department of Justice for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC–3140. A communication from the Assistant Secretary of Housing and Urban Development for Administration, transmitting, pursuant to law, a report on a new system of records for the Department of Housing and Urban Development for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC–3141. A communication from the Chairman of the Foreign Claims Settlement Commission, transmitting, pursuant to law, a report on the Commission's compliance with the requirements of the Government in the Sunshine Act for calendar year 1979; to the Committee on Governmental Affairs.

EC–3142. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 5, 1980; to the Committee on Governmental Affairs.

EC–3143. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 5, 1980; to the Committee on Governmental Affairs.

EC–3144. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 5, 1980; to the Committee on Governmental Affairs.

EC–3145. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 5, 1980; to the Committee on Governmental Affairs.

EC–3146. A communication from the Secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report of the Foundation for fiscal year 1979; to the Committee on the Judiciary.

EC–3147. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the fifth report on the implementation of Title I of the Speedy Trial Act of 1974; to the Committee on the Judiciary.

EC–3148. A communication from the Director of the Office of Public Information, Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3149. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3150. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3151. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3152. A communication from the comptroller General of the United States, transmitting, pursuant to law, a report entitled "Closer Controls and Better Data Could Improve Antitrust Enforcement"; to the Committee on the Judiciary.

EC–3153. A communication from the Administrative Director of the United States Arms Control and Disarmament Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3154. A communication from the Chairman of the Select Commission on Immigration and Refugee Policy, transmitting, pursuant to law, the semiannual report of the Commission dated March 1, 1980; to the Committee on the Judiciary.

EC–3155. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3156. A communication from the Assistant Secretary of State for Congressional Affairs, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3157. A communication from the Director of Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3158. A communication from the Assistant Secretary of Defense for Public Affairs, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3159. A communication from the Staff Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3160. A communication from the General Counsel of the Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3161. A communication from the Administrator of the Veterans Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3162. A communication from the Chairperson of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3163. A communication from the Chairman of the Foreign Claims Settlement Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1979; to the Committe on the Judiciary.

EC–3164. A communication from the Director of the Community Relations Service, Department of Justice, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3165. A communication from the Deputy General Counsel of the Mortgage Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3166. A communication from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the United States Postal Service under the Freedom of Information Act for calendar year 1979; to the Committe on the Judiciary.

EC–3167. A communication from the Executive Secretary of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1979; to the Committee on the Judiciary.

EC–3168. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report on the administration of the Public Health Service for fiscal year 1979; to the Committee on Labor and Human Resources.

EC–3169. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation entitled "National Science Foundation Authorization Act for Fiscal Years 1981 and 1982"; to the Committee on Labor and Human Resources.

EC–3170. A communication from the Secretary of Labor, transmitting, pursuant to law, the interim report of the Secretary on the final report of the National Commission on Employment and Unemployment Statistics; to the Committee on Labor and Human Resources.

EC–3171. A communication from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, a copy of the final regulation "Final Resolutions for Part 146—Modern Foreign Language and Area Studies Program"; to the Committee on Labor and Human Resources.

EC–3172. A communication from the Secretary of Education and the Secretary of Labor, transmitting a draft of proposed legislation to extend the authorization of youth training and employment programs and improve such programs, to extend the authorization of the private sector initiative program, to authorize intensive and remedial education programs for youths, and for other purposes; to the Committee on Labor and Human Resources.

EC–3173. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the Eighth

Annual Marijuana and Health Report; to the Committee on Labor and Human Resources.

EC-3174. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations to implement 1979 amendments to the Federal Election Campaign Act; to the Committee on Rules and Administration.

EC-3175. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on two new rescissions and five new deferrals of budget authority; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 2380. A bill to authorize the Secretary of the Interior to undertake a study of the feasibility of increasing the height of the Theodore Roosevelt Dam located in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. COHEN (for himself and Mr. JEPSEN):

S. 2381. A bill to amend title 32, United States Code, to modify the system of accountability and responsibility for property of the United States issued to the National Guard; to the Committee on Armed Services.

By Mr. HEINZ:

S. 2382. A bill to provide for additional authorization for appropriations for the Tinicum National Environmental Center; to the Committee on Environment and Public Works.

By Mr. WILLIAMS (for himself, Mr. PROXMIRE and Mr. GARN) (by request):

S. 2383. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHILES:

S. 2384. A bill to provide for the distribution of the Code of Ethics for Government Service; to the Committee on Governmental Affairs.

By Mr. WILLIAMS (for himself, Mr. PELL, and Mr. RANDOLPH):

S. 2385. A bill to extend the authorization of youth training and employment programs and improve such programs, to extend the authorization of the private sector initiative program, to authorize intensive and remedial education programs for youths, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN:

S. 2386. A bill for the establishment of a National Economic Commission; to the Committee on Governmental Affairs.

By Mr. HEFLIN (for himself, Mr. KENNEDY, Mr. DECONCINI, Mr. DOLE, Mr. COCHRAN, and Mr. SIMPSON):

S. 2387. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 2380. A bill to authorize the Secretary of the Interior to undertake a study of the feasibility of increasing the height of the Theodore Roosevelt Dam located in the State of Arizona; to the Committee on Energy and Natural Resources.

RAISING THE ROOSEVELT DAM FOR FLOOD CONTROL PURPOSES

● Mr. DECONCINI. Mr. President, I am pleased today to introduce legislation that will direct the Secretary of the Interior to conduct a feasibility grade study on raising the Theodore Roosevelt Dam in Arizona for the purpose of flood control.

Mr. President, the State of Arizona has been ravaged by disastrous floods repeatedly during recent years. In the past few weeks we have again experienced rampaging floodwaters which have taken lives, destroyed homes and property, and practically decimated the transportation network of a major metropolitan area. The city of Phoenix has been crippled.

Mr. President, an essential feature of of the central Arizona project was the provision of sufficient protection from floods on the Salt and Verde Rivers. The principal structure included in the plan was the Orme Dam. The President, however, opposed and rejected that dam. Subsequently, the Water and Power Resources Service was directed to study alternative ways to provide adequate flood control coupled with the regulatory storage capacity required by the CAP.

The WPRS, working with the Army Corps of Engineers, is doing that now.

However, one possibility that has not been fully pursued is raising the height of a major reclamation dam, the Theodore Roosevelt Dam, to allow additional capacity. It has been considered by the administration in the Orme Dam alternative study but there has been no authorization for a feasibility level study.

We cannot assume, now, that any one answer will be sufficient. It has become painfully obvious that the sudden elimination of Orme Dam several years ago has left us more vulnerable than before. Roads have been built, bridges constructed, and business and agricultural lands have been planned with the understanding that Orme Dam would be in place. Even if Orme Dam is eventually a reality, the study of every flood control possibility must be aggressively undertaken.

The 1.5 million people in the Phoenix metropolitan area cannot afford the leisurely and uncertain course of an inadequate flood control effort. We must move ahead with every flood control possibility, with all available resources.

Mr. President, this legislation directs the Secretary to study both the flood control and safety aspects of this project and report back to Congress.

I urge early consideration of this bill by the committee and its speedy enactment by the Senate. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to conduct a study of the feasibility of increasing the height of the Theodore Roosevelt Dam located in the State of Arizona.●

By Mr. COHEN (for himself and Mr. JEPSEN):

S. 2381. A bill to amend title 32, United States Code, to modify the system of accountability and responsibility for property of the United States issued to the National Guard; to the Committee on Armed Services.

NATIONAL GUARD PECUNIARY RESPONSIBILITY ACT

● Mr. COHEN. Mr. President, I am pleased to be introducing today a measure which my distinguished colleague from Maine, DAVE EMERY, introduced on the House side, and which was passed by voice vote of that body on November 27. The bill, S. 2381, would eliminate the requirement to hold members of the National Guard responsible for simple negligence. It would instead provide that the standard of care should be uniform within the Army and the Air Force for each of those services' components.

It is unfair, I believe, to impose pecuniary liability against a member of the Air National Guard for the loss, damage, or destruction of property when liability would not be imposed against a member of the Air Force Reserve in an identical circumstance.

It is also unfair to hold a member of the Army National Guard pecuniarily liable for the full value of lost, damaged, or destroyed property when the maximum liability that may be imposed in identical circumstances is 1 month's basic pay in the case of his active duty or Army Reserve counterpart.

Individual States should not be assessed for losses resulting from performance of training or duty which is required under Federal law and regulations. That concept may have had some validity when the National Defense Act was passed in 1916. In today's setting, however, the Federal Government prescribes in great detail the specific training to be conducted, performance standards to be achieved, and, often, the environment in which the training is to be conducted.

In many cases, the field training of the National Guard is conducted outside the parent State, and in some cases outside the United States. It is no more appropriate to hold the State responsible for property losses incident to title 32 training than it would be to hold Army or Air Force commanders pecuniarily liable for all losses in their commands.

Yet, that is what must be done in order to comply with the letter of section 710 of title 32, United States Code.

My proposal would correct these inequities. It would provide the Secretaries of the Army and of the Air Force with the same latitude in promulgating regulations with respect to National

Guard property losses that they already possess with respect to other property under control of their Departments. In short, members of the Army National Guard would be held to the same standards as their Active Army and Army Reserve counterparts; Air National Guard standards would be identical with those of the Active Air Force and Air Force Reserve.

This legislation would also do away with liability of the State, except in those instances where the loss, damage, or destruction occurred while the National Guard was on duty in cases of disaster or was otherwise aiding civil authority. In the latter cases, the State would be expected to pay for any such loss as a normal cost of operation.

Finally, the measure would empower the service Secretaries to remit or cancel the indebtedness to the United States of members of the National Guard in appropriate cases. This would parallel their current authority to remit or cancel the indebtedness of active duty members, and it would probably be exercised in the same manner.

It must be emphasized that the bill confers no special benefit on the National Guard. If enacted, it will simply assure evenhanded treatment for all members of the same armed force.

The approach taken in this bill has received the strong endorsement of the National Guard Association of the United States. I hope the Senate will take prompt, positive action and provide the overwhelming show of support for the proposal that the House did in its passage of the measure.●

By Mr. HEINZ:

S. 2382. A bill to provide for additional authorization for appropriations for the Tinicum National Environmental Center; to the Committee on Environment and Public Works.

● Mr. HEINZ. Mr. President, I rise today to offer legislation providing additional authorization for appropriations for the Tinicum National Environmental Center in Philadelphia. Specifically, this bill increases the authorization for developing this unique urban wildlife habitat as an environmental education center from its current level of $11.1 million to $19.5 million. The need for this additional authorization is documented in Executive Communication 2659 forwarded to Congress by the Department of the Interior on October 16, 1979, which communication I am asking be inserted in the RECORD. In addition to providing this necessary additional authorization, my bill also directs the Environmental Protection Agency in conjunction with the Fish and Wildlife Service to report on any possible environmental health hazards posed by the Folcroft Landfill within the refuge and to recommend possible remedies.

By way of background, the Tinicum National Environmental Center was established as a result of Public Law 92–326, which directed the Interior Department to establish a 1200-acre refuge and environmental center in the southwest corner of Philadelphia at the confluence of Darby Creek with the Delaware River. An important nesting and feeding ground for waterfowl and other wildlife, the marsh has increasingly been subject to the pressures for development from an urban area of 4 million people, and vast areas have been filled for highways and homesites and used for dumping. In response to this pressure, the Tinicum Wildlife Preserve was established in 1955 as a result of efforts by the Philadelphia Conservationists, Inc., and other groups. This and subsequent events documented in the communication from the Interior Department culminated in passage of Federal legislation in June 1972.

Recognizing the potential of Tinicum as an urban wildlife habitat, Congress has twice seen fit—during the 95th and 96th Congresses—to amend the original act to enlarge the boundaries of the center and increase the authorization for appropriations. Once developed as an environmental center, Tinicum will offer opportunities for wildlife interpretation, outdoor recreation, and education providing a much-needed respite from the concrete jungle for urban dwellers.

Tinicum Marsh is now used by a number of different species of migratory birds; in fact, 110 different species of waterfowl and wading birds have been recorded in the Tinicum area. Also found in the marshes and surrounding land areas are white-tailed deer, mink, weasel, otter, fox, muskrat, raccoon, and skunk. Of the ten recorded species of fish, crappie, carp, and bullheads have been the object of numerous fishermen. The Fish and Wildlife Service expects the ecological diversity of the marsh to increase as rehabilitation of the marsh proceeds with development of the Tinicum Center.

In addition to authorizing additional sums so that land acquisition and development of the Tinicum Center can proceed, my bill also directs EPA to report on possible environmental health hazards from the Folcroft Landfill and recommend possible solutions. This landfill is currently the source of considerable leachate pollution and, once acquired, will represent the first acquisition by the Federal Government of a hazardous waste site. Possible remedies to this problem may, of course, have to await passage of the "Superfund" legislation now before the Environment and Public Works Committee.

In closing, I ask my distinguished colleagues to give this measure serious and expeditious attention so that acquisition of this unique urban wildlife habitat and its development as an environmental education center can proceed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER

The Tinicum National Environmental Center was established by enactment of Public Law 92–326. That Act directed the Secretary of the Interior to create a refuge and environmental center consisting of some 1,200 acres of land and water in the southwest corner of Philadelphia at the confluence of Darby Creek with the Delaware River. Historically, the marsh comprised several thousand acres of important feeding and nesting area for large numbers of waterfowl and other wildlife. The needs of an expanding urban area of some four million people resulted in conversion of the marsh to serve industry, filling the marsh for roadbeds and homesites and use of the marsh for the disposal of waste. By 1960, only 900 acres of the marsh remained, only 200 acres of which remained in a condition resembling their natural state.

In early 1969 Tinicum Marsh became the center of a controversy over whether to construct Interstate 95 and a large scale dump fill project or preserve the last remnants of a tidal marsh ecosystem. Local interests had long sought protection for Tinicum Marsh. The Tinicum Wildlife Preserve was established in 1955 through the efforts of the Philadelphia Conservationists, Inc. The Preserve, plus a 70 acre parcel acquired by transfer from the Corps of Engineers to the Fish and Wildlife Service (hereinafter referred to as the "Service") and administered by the City of Philadelphia under cooperative agreement, represented one of the largest city-operated wildlife sanctuaries in the United States in the 1960's. Recognizing the significance of the Tinicum Marsh estuary, the Department of the Interior refused permission of a highway right-of-way through the federally owned refuge lands. Subsequent litigation halted expansion of the dump. Then in June of 1972 Congress assured preservation of the Marsh by authorizing establishment of the Tinicum National Environmental Center.

Tinicum's greatest asset is its potential for an urban wildlife habitat. As an environmental center it will offer an opportunity for wildlife interpretation, education and high quality outdoor recreation. In its present condition, many different migratory bird species use Tinicum Marsh. A total of 119 different species of waterfowl and wading birds have been recorded in the Tinicum area. White-tail deer are occasional visitors; mink, weasel, otter, fox, muskrat, raccoon and skunk are found in the marshes and edge areas. Ten species of fish have been recorded and there is considerable fishing for crappie, carp and bullheads among others. With rehabilitation of the marsh, conditions for wildlife will naturally improve and we expect a greater diversity of wildlife and greater numbers of the species presently using the marsh.

The Act establishing the Center has been amended in both the 94th and the 95th Congresses. In each instance the boundaries of the Center were enlarged and the authorizations for appropriations increased. Our proposed legislation would increase the authorization for the Tinicum Environmental Center in Philadelphia to $11 million for acquisition.

The Service previously estimated that approximately $6.6 million would be required for land acquisition. These estimates were made in the initial stages of the planning process. That process has now been substantially completed and the revised estimates are that approximately $11 million will be needed for acquisition.

Twelve tracts consisting of 527 acres, with an estimated value of $6.2 million, remain to be purchased. Of this amount, $1.8 million is currently available and $3.5 million is requested in the fiscal year 1980 budget, leaving a balance to be appropriated in future years of $.9 million. Several of these tracts of land were not included in the Service's original concept plan, but have been added because the planning process revealed the necessity of acquiring additional buffer lands. The addition of these lands and the escalating land values are responsible for the revised acquisition estimates.

Our proposal would also authorize $4,000,000 for the construction of environmental educational center facilities. Under this authorization, we anticipate building an environmental educational center to serve the

many people in the Philadelphia area and a visitor contact station.

We are also requesting an authorization for "such sums as may be necessary for other development projects on the Center". The estimates of the development costs are undergoing rapid changes and we are currently unable to provide reliable estimates as to what development costs are likely to be. Much of the development money will be needed to restore the habitat. Much of this will be needed to stabilize the Folcroft Landfill area, which is currently the cause of rather severe leachate pollution, and this is the area where estimates are currently the least reliable. Thus, we have requested an authorization of "such sums" until such time as we can provide reliable cost estimates.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT HERBST,
Assistant Secretary.●

By Mr. WILLIAMS (for himself, Mr. PROXMIRE and Mr. GARN) (by request):

S. 2383. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980

● Mr. WILLIAMS. Mr. President, I am introducing, at the administration's request, the Housing and Community Development Act of 1980. This legislation would reauthorize, for various terms, virtually the whole range of programs involving housing and urban affairs administered by the Department of Housing and Urban Development. A number of revisions and improvements in existing programs, as well as several new initiatives have been included in the legislation. I am pleased to be joined in this introduction by the distinguished chairman and ranking minority member of the Senate Banking Committee (Messrs. PROXMIRE and GARN, respectively).

Among the programs receiving new authorizations would be the section 8 rental assistance and low-rent public housing programs, the community development block grant program, the Urban development action grant program, a variety of FHA insurance programs, the special assistance programs operated by the Government National Mortgage Association, the section 312 rehabilitation loan program, and the section 701 comprehensive planning program. New initiatives include a temporary mortgage assistance program that HUD would implement as an adjunct to the present assignment program and that would aid homeowners who have defaulted on federally insured mortgages, but who could be restored to successful homeownership following a period of temporary assistance in making monthly mortgage payments.

Also provided in the legislation is a major revision of the Section 701 comprehensive planning program designed to broaden the program's purposes and thus bring it more into line with today's community, regional, and state planning needs, and to assist recipients in setting up mechanisms necessary to implement the strategies contained in the plans.

Other important features of the bill include funds for public housing modernization and public housing operating subsidies, and increased mortgage limits for the section 235 homeownership assistance program to recognize the growth in development costs since the mortgage limits were last increased in 1977, and to accommodate the additional costs involved in constructing homes under this program for handicapped persons. Mortgage limits for FHA multifamily programs would also be increased to account for the costs of construction activity related to energy conservation.

The administration bill represents fiscal realism at a time when restraint in Federal spending is a goal of the Congress and the administration. Most programs authorized under the proposed legislation have received increases that are below the rate of inflation, or do not receive increases at all. For example, the Community Development Block Grant program would be reauthorized at a level only $50 million higher than for fiscal year 1980, an increase of 1.3 percent, while the Urban Development Action Grant program would remain at $675 million, the same as for fiscal year 1980, and would retain that level for the 3 full years of its reauthorization.

I am pleased that the administration proposal allows an increased effort in housing assistance over the extremely low level permitted for fiscal year 1980. However, the requested amount represents one of the lowest levels of housing assistance since the enactment of the section 8 program in 1974, and will not allow us to make any substantial progress in reversing the decline of the rental housing market. Even if the administration's projection for 300,000 additional assisted units (of which 180,000 will be newly constructed or substantially rehabilitated) is accurate, the rental stock will continue to suffer only minimal net growth if not an actual net loss each year throughout the 1980's.

The administration estimate of 300,000 additional units is off the mark, though it does portray much more accurately than previous budgets the level of housing assistance that can be achieved for the dollar amount requested. The Congressional Budget Office estimates that the fiscal year 1981 budget for housing assistance will fund only 283,000 additional units. Moreover, the administration's budget materials indicate that of the 300,000 more units it plans to assist, 23,000 are already occupied and subsidized under the rent supplement program and will be shifted to coverage under section 8. An additional number will be shifted to section 8 coverage from units now subsidized under the old section 23 leased housing program.

Mr. President, the Subcommittee on Housing intends to hold hearings on this measure, and related proposals, at the end of March and during the first week of April. At this time, I ask unanimous consent that the letter of transmittal to the President of the Senate, along with the section-by-section explanation of the bill be printed at this point in the RECORD.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., February 25, 1980.

Subject: Proposed "Housing and Community Development Act of 1980".

Hon. WALTER MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am enclosing proposed legislation to provide funding authorizations for fiscal year 1981 and subsequent fiscal years for the housing, community development and related programs of the Department of Housing and Urban Development. The proposed legislation also contains a number of program extensions. Among these are proposed extensions of HUD–FHA mortgage insurance and related authorities, and the rehabilitation loan program under section 312 of the Housing Act of 1964. The proposal would also make a number of amendments to the Department's existing programs. Enclosed for your convenience is a section-by-section explanation and justification of the proposal.

With respect to funding authorizations, the proposal would provide, subject to approval in an appropriation Act, annual contributions contract authority for the public housing and Section 8 Housing Assistance Payments programs in amounts of $1,553,661,000 on October 1, 1980, and would authorize the appropriation of an additional $862 million on or after October 1, 1980 for operating subsidies for conventional public housing projects.

The proposed additional annual contributions contract authority for fiscal year 1981 would allow the Department to make commitments for an additional 258,000 units under the Section 8 Housing Assistance Payments program, including 114,700 newly constructed units, 23,300 substantially rehabilitated units and 120,000 existing units. The existing units would include up to 40,000 units to be repaired and upgraded under the moderate rehabilitation program. This increased authorization would also support 42,000 additional units of public housing, including 4,000 units under the Indian Housing program. The $862 million authorization proposed for public housing operating subsidies in fiscal year 1981 would be distributed pursuant to the Performance Funding System formula, and should allow approximately 2,000 public housing agencies which manage their projects efficiently to keep pace with rising operating and utility costs.

The proposal contains a three-year reauthorization of title I of the Housing and Community Development Act of 1974. Specifically, it would authorize the appropriation of an amount not to exceed $3,950,000,000, $4,100,000,000 and $4,250,000,000 for fiscal years 1981, 1982 and 1983, respectively, for the community development block grant program. The funding levels sought for each fiscal year represent a $150 million increase over the immediately preceding fiscal year's authorized amount. It would also authorize the appropriation of an amount not to exceed $675 million for each of fiscal years 1981, 1982 and 1983 for the urban development action grant program contained in section 119 of the Act. These amounts are a continuation of the amount authorized for fiscal year 1980, and would enable the Department to continue to provide action grant assistance to severely distressed cities and urban counties and to "pockets of poverty" through fiscal year 1983.

The proposal also would authorize the appropriation of up to $41 million for fiscal year 1981 for providing operating subsidies to troubled multifamily housing projects under section 201 of the Housing and Community Development Amendments of 1978. In addition, the proposal would authorize

the approval in appropriation Acts of payments from the rental housing assistance fund under section 236 of the National Housing Act for the troubled projects program through fiscal year 1982. It is anticipated that the $41 million funding authorization proposed for fiscal year 1981, together with some $12 million expected to accrue to the section 236 rental housing assistance fund during that fiscal year and $55.9 million of unobligated balances carrying over into 1981, will be used for assisting an estimated 2,797 projects.

Revisions of the Department's planning assistance authority contained in section 701 of the Housing Act of 1954 are also included in the proposal. The revised authority would establish broad National Policy Objectives which would serve as the focal point to guide the planning efforts of States, areawide planning organizations and local governments. The amendments to section 701 are designed to help achieve these Objectives in two ways. First, they would encourage the joint efforts of State and local governments and areawide planning organizations for the development of State and areawide strategies. Second, they would assure that developed strategies lead to implementation activities by States, areawide organizations and local governments, thus encouraging a coordinated response by all levels of government to carry out such strategies.

These changes build upon the existing section 701 program, and are necessary to provide planning activities with a clear focus which is sensitive to the needs and opportunities of the 1980s; to accord State and local governments and areawide planning organizations the flexibility to tailor their planning activities to the particular needs and opportunities of their own jurisdictions; to assure that State and local planning efforts address and meet these needs and opportunities in a meaningful way; and to provide a framework to facilitate Federal action which is supportive of the developmental decisions of States, areawide organizations and local governments. The proposal would authorize, for fiscal year 1981, $40 million for the revised planning assistance program.

The proposal would provide authorizations for fiscal year 1981 of $188 million for rehabilitation loans under section 312 of the Housing Act of 1964, and $15 million for the Neighborhood Self-Help Development Act of 1978. These proposed funding authorizations would assure that the programs may continue effectively to carry out the President's Urban Policy Initiatives.

In addition, the proposal would provide an authorization for fiscal year 1981 of $54 million for research under title V of the Housing and Urban Development Act of 1970. The proposed authorization would enable the Department's research activities to continue to serve as a national focal point for research analysis, data collection and dissemination, and to concentrate on a number of research areas and key evaluations.

Further, the proposal would authorize the appropriation of $30 million for fiscal year 1981 to carry out a demonstration program under which GNMA would make one-time cash payments to lenders who make below-market interest rate loans which are secured by FHA-insured mortgages on multifamily projects in distressed cities. The program would be designed to demonstrate the feasibility and desirability of substituting such a mechanism for the GNMA tandem program under which GNMA purchases below-market interest rate loans and then sells them at market prices. The proposal also would authorize the appropriation of an additional $139 million to cover losses sustained by the General Insurance Fund, and would increase GNMA's statutory mortgage purchase authority under the Special Assistance Functions by $900 million for fiscal year 1981.

With respect to the funding authorizations for fiscal year 1982 (other than under title I of the Housing and Community Development Act of 1974), the legislative proposal would increase annual contributions contract authority by such sums as may be necessary on October 1, 1981 for the public housing and Section 8 Housing Assistance Payments programs, and would increase the annual ceiling on the amount of assistance payments under the section 235 program by such sums as may be necessary on October 1, 1981. It also would authorize the appropriation of such sums as may be necessary for fiscal year 1982 for public housing operating subsidies, the program of operating subsidies for troubled multifamily housing projects, the section 701 planning assistance program, the section 312 rehabilitation loan program, the urban homesteading program, research under title V of the Housing and Urban Development Act of 1970, the Neighborhood Self-Help Development Act of 1978, and the GNMA demonstration program. These proposed authorizations are submitted at this time in accordance with section 607 of the Congressional Budget Act of 1974.

The proposed extensions of the HUD–FHA mortgage insurance programs and the Secretary's authority administratively to establish interest rates for FHA-insured mortgage loans through fiscal year 1982 would assure the availability without interruption of mortgage insurance under important programs contained in the National Housing Act. These authorities otherwise would expire on September 30, 1980. The extension through fiscal year 1982 of the authority of the Government National Mortgage Association to enter into new commitments to purchase mortgages under the interim mortgage purchase authority contained in section 313 of the National Housing Act would assure the availability of this authority through fiscal year 1982, should the statutory criteria for implementation of the program be met.

Among the program amendments included in the bill are a number of proposals for consideration in connection with the reauthorization of title I of the Housing and Community Development Act of 1974. These proposals include a set-aside of $285 million for the SMSA discretionary balance for fiscal year 1981, provisions to simplify and improve the urban county entitlement program, a proposal to mitigate the effects of 1980 Census data and revised SMSA criteria on the block grant and action grant programs, permanent extensions of the Secretary's Discretionary Fund and the authority to make pro-rata reductions in block grant funds in the event of an entitlement funding shortfall, and a number of technical amendments to the block grant program.

The bill also contains a variety of amendments to FHA authorities, including amendments to increase mortgage amounts in FHA multifamily and institutional mortgage insurance programs to finance energy conserving improvements, to increase section 235 mortgage limits generally and to increase these limits further to permit access and use of properties assisted under section 235 by handicapped persons, to make section 220 mortgage insurance available in areas of concentrated development activity, to authorize a program of Temporary Mortgage Assistance Payments to provide assistance to mortgagors who default on HUD-insured single family mortgages, to allow insurance under certain authorities where land is under a ground lease with a term of ten or more years beyond the mortgage term, and to permit the Department to contract with private concerns to assist in title I claims collection.

Amendments to the section 312 rehabilitation loan program would increase the residential loan limit and make congregate housing specifically eligible for section 312 loans.

Other amendments include a program amendment to the Congregate Services program, an amendment to section 3 of the Housing and Urban Development Act of 1968 dealing with opportunities for lower income persons and socially and economically disadvantaged businesses in connection with assisted projects, an amendment to transfer certain energy-related functions vested in the Department to the Department of Energy, a technical amendment to make clear that amounts may be authorized to be appropriated under the urban homesteading program to reimburse the VA and FmHA for properties transferred by either entity for use in homesteading programs, changes to provide for the biennial submission of the Housing Production Report, and a proposal for the relief of the City of Springfield, Illinois.

In addition to the proposed legislation being transmitted with this letter, the Department will soon transmit to the Congress proposed legislation to consolidate and simplify the HUD mortgage credit and related authorities contained in the National Housing Act. This proposed legislation will be designed to state in plain English the basic features of these important HUD program authorities as currently administered. The Department looks forward to a careful examination and favorable consideration of this proposal by the Congress. In the Department's view, it can represent an important step toward improved administration of, and increased opportunities for participation in, HUD's mortgage credit programs.

The Department also requests favorable action on legislation transmitted to the Congress on December 19, 1979 containing amendments to modify the mortgage amount, sales price and interest rate limitations now applicable under GNMA's interim mortgage purchase authority contained in section 313 of the National Housing Act. Enactment of this legislation would substantially increase the utility of this stand-by authority, should it be activated.

Timely enactment of the enclosed proposal would provide the Department with the necessary authority to carry out effectively its responsibilities in fiscal year 1981 and subsequent fiscal years. The Department requests that the measure be referred to the appropriate committee and urges its early enactment.

The Office of Management and Budget has advised that the enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

MOON LANDRIEU.

SECTION-BY-SECTION EXPLANATION AND JUSTIFICATION

TITLE I—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND CONSERVATION

Definitions

Section 101(a) of the bill would amend section 102(a) of the Housing and Community Development Act of 1974 to permit metropolitan cities to participate in urban counties, on the same basis as any other included unit of general local government, in lieu of having their own entitlement. Under existing law, metropolitan cities are specifically excluded from urban counties. This change would end an unjustified split between certain metropolitan cities and the counties in which they are located, and could help foster integrated community and economic development activities between those jurisdictions.

Subsection (b) would amend section 102 (b) of the Act in two respects. First, it would exclude, through fiscal year 1983, all data derived from the 1980 Decennial Census, except population and poverty, from use in connection with the urban development action grant program and the allocation of

block grant funds under section 106 of the Act. Data which would not be taken into account include those relating to age of housing, overcrowded housing and housing stock.

Because of possible changed circumstances since the last Decennial Census, it is unclear whether these factors will continue to be reliable indicators of distress and developmental need. The amendment is designed to maintain the status quo, until these data—which are not likely to be available until fiscal year 1982 at the earliest in any event—can be analyzed, and a conscious decision made as to whether the block grant fund allocation and/or the UDAG ranking systems need to be amended in order to meet statutory objectives for the title I authorization period beginning in fiscal year 1984. Under the proposal, population counts and poverty data would be taken into account through fiscal year 1983 for all purposes in the block grant and UDAG programs. Annual population changes to reflect Census updates are currently made in these programs, and poverty levels would remain reliable indicia of need.

The second change would prohibit any revision to the criteria for establishing a metropolitan area (SMSA) or defining a central city of an SMSA, published after January 1, 1980, from being taken into account for purposes of title I of the Act, except that any area or city which would newly qualify as an SMSA or a central city of an SMSA by reason of any such revision would be so considered. This amendment is designed to provide an orderly transition for those units of general local government which would no longer qualify for entitlement funding under the block grant program as the result of SMSA or central city criteria revisions. It is also intended to mitigate the unpredictable effects on the block grant and UDAG allocation systems which those changes are likely to produce, and to permit review of these changes, together with the 1980 Census data referred to above, in order to assure the furtherance of statutory objectives for the period of reauthorization for the title I authority beginning in 1984.

Subsection (c) would amend section 102 of the Act to provide for the three-year qualification of urban counties, with respect to urban county program years beginning with the program year in which grants are made to urban counties from fiscal year 1981 appropriations.

Under existing law, urban county qualification can change annually, since units of general local government which are located within the county can, as appropriate, elect to exclude their populations from the county or enter into cooperation agreements with the county on a year-to-year basis. Under the proposal, the population of any unit of general local government which is included in that of an urban county, by reason of its failure to elect to have its population excluded or its entering into a cooperation agreement with the county, must be included in the urban county's population for three program years beginning with the program year in which its population is first so included.

During any such three-year period, the population of any unit of government which is not included in that of the urban county in the first year would not be eligible for inclusion in the second or third years. During any period in which a unit of government is included in the county, it would not be eligible to apply for funding—either entitlement or discretionary—in its own right, but could compete for reallocated amounts under section 106 of the Act in the event that the urban county's application is disapproved for any year.

This change would allow greater stability in county programs, and would mitigate the adverse effects fluctuating urban county qualifications and funding levels can have on the whole fund allocation process.

Subsection (c) would require any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, to notify each unit of general local government, which is included therein and is eligible to elect to have its population excluded from that of an urban county, of its opportunity to make such an election. The notification would be at a time and in a manner prescribed by the Secretary, and would be provided prior to the period for which such qualification is sought. The population of any unit of general local government which is provided notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county would, if the county qualifies as an urban county, be included in the population of the urban county for three program years, as described above.

This amendment is designed to conform the notification provisions contained in existing law to the proposed three-year urban county qualification period, and to provide by statute for the application of these provisions to counties initially seeking urban county status.

Authorizations

Section 102(a) of the bill would amend section 103(a)(1) of the Housing and Community Development Act of 1974 to authorize the appropriation of an amount not to exceed $3,950,000,000 $4,100,000,000 and $4,250,000,000 for fiscal years 1981, 1982 and 1983, respectively, for the community development block grant program. The funding levels sought for each fiscal year represent a $150 million increase over the immediately preceding fiscal year's authorized amount and would provide funding for the block grant program through its next period of authorization.

The amendment also would aggregate amounts authorized to be appropriated for the program through fiscal year 1980. This is a technical amendment to simplify section 103(a)(1) and to indicate prior funding levels. It would have no substantive effect, since all amounts authorized for the program through fiscal year 1980 have been appropriated.

Subsection (b) would amend section 103(a)(2) of the Act to set aside $285 million for discretionary grants within SMSAs. In light of projected increased entitlement funding demand, this set-aside for fiscal year 1981 is necessary to help ensure an increase in amounts available for the SMSA small cities program proportionate to the increase in funding requested for the block grant program as a whole. Based on the Department's estimates, set-asides will also be needed for fiscal years 1982 and 1983, but specific dollar amounts cannot be provided at this time.

Subsection (c) would amend section 103(c) of the Act to authorize the appropriation of an amount not to exceed $675 million for each of fiscal year 1981, 1982 and 1983 for the urban development action grant program contained in section 119 of the Act. These amendments are a continuation of the amount authorized for fiscal year 1980, and would enable the Department to continue to provide action grant assistance to severely distressed cities and urban counties and to "pockets of poverty" through fiscal year 1983.

The amendment would also aggregate amounts authorized to be appropriated through fiscal year 1980. As in the case of the basic program, this is a technical change with no substantive effect.

Pro-rata reduction of grants

Section 103 of the bill would amend section 106(g) of the Housing and Community Development Act of 1974, as redesignated by section 108 of this bill, by making permanent the provision that, if the total amount available for distribution under section 106 is insufficient to meet all entitlement funding requirements, and funds are not otherwise appropriated to meet the shortfall, the deficiency is to be made up through a pro-rata reduction in all section 106 grants. Under present law, this authority is available only through fiscal year 1980. On the basis of projected increased SMSA entitlement funding demand, there is a clear possibility that amounts available in fiscal year 1981 and subsequent years for entitlement grants will be inadequate. The proposed amendment would assure the availability of an equitable reapportionment mechanism should any entitlement deficiency actually materialize.

The amendment also contains technical changes to conform the provision to amendments contained in section 108 of this bill.

Discretionary fund

Section 104 of the bill would amend section 107(a) of the Housing and Community Development Act of 1974 to make permanent the Secretary's authority to make grants from the Secretary's Discretionary Fund. Under present law, this authority expires after fiscal year 1980. This amendment would enable the Secretary to continue to make grants to certain recipients (such as HUD-assisted new communities; Indian tribes; and Guam, the Virgin Islands, Samoa and the Trust Territory of the Pacific Islands) and for specific purposes (such as areawide housing and community development programs, innovative projects, emergency disaster-caused community development needs and technical assistance).

Rehabilitation loans

Section 105 of the bill would make a number of amendments to section 312 of the Housing Act of 1964.

Subsections (a) and (b)(2)–(4) would amend section 312 (b) and (c)(4), respectively, to authorize specifically the provision of section 312 loans for congregate housing. "Congregate housing" would be defined as residential property in which some or all of the dwelling units do not contain kitchen or bathroom facilities; the maximum loan amount could not exceed $28,000 per dwelling unit.

Section 312(c)(4)(A) presently provides that the maximum loan amount for residential property is $27,000 per dwelling unit. Under existing law, it is unclear whether a "dwelling unit" for purposes of this provision must have kitchen or bathroom facilities. If they must have both facilities, a section 312 loan for an entire congregate project with, for example, a single central dining facility could not exceed $27,000.

This amendment is designed to resolve this ambiguity and to provide realistic loan limits for the rehabilitation of congregate housing. The difference between the $28,000 per unit maximum loan amount sought for congregate housing and the $35,000 limit sought for other residential property under subsection (b)(1) of this section reflects reduced rehabilitation costs in the case of units without kitchen or bathroom facilities.

Subsection (b)(1) would amend section 312(c)(4)(A) of the Act to increase the residential property per dwelling unit loan maximum from $27,000 to $35,000. This increase is necessary to account for increased rehabilitation costs occasioned by section 312(i), as added by the Housing and Community Development Amendments of 1978, which requires improvements assisted under section 312 to meet cost-effective energy conservation standards.

Subsection (c) would mend section 312(d) of the Act to authorize the appropriation of not to exceed $188 million for fiscal year 1981 and such sums as may be necessary for fiscal year 1982. The amount requested for fiscal year 1981 is required to support projected net

loan reservations of $240 million and to provide for the rehabilitation of 19,200 dwelling units in that year.

Subsection (d) would extend the Secretary's authority to make new section 312 loans through September 30, 1982. This amendment would enable the Secretary to make loans under section 312 for the period for which authorization of appropriations is sought under subsection (c) of this section.

Neighborhood self-help development

Section 106 of the bill would amend section 705 of the Housing and Community Development Amendments of 1978 to authorize the appropriation of not to exceed $15 million for fiscal year 1981 and such sums as may be necessary for fiscal year 1982 for the Neighborhood Self-Help Development Act of 1978.

The Act authorizes the Secretary to make grants and provide technical assistance to neighborhood organizations for preparing and implementing specific housing, economic and community development and other appropriate neighborhood conservation and revitalization projects. The $15 million proposed funding authorization for fiscal year 1981 would enable the Department to make approximately 120 grants in fiscal year 1981 to neighborhood organizations to undertake such projects in low- and moderate-income neighborhoods, and to private technical assistance to neighborhood organizations.

Urban homesteading

Section 107 of the bill would amend section 810(h) of the Housing and Community Development Act of 1974 in two respects. First, it would make clear that funds could be appropriated under the urban homesteading program for the reimbursement by HUD of the Veterans Administration and the Department of Agriculture for properties transferred by those entities for use in connection with approved homesteading programs. This amendment would correct a technical omission from the Housing and Community Development Amendments of 1979.

The second amendment would authorize the appropriation of such sums as may be necessary for the program for fiscal year 1982. Based on projected program activity and amounts estimated to be available, the Department believes that an authorization of appropriations will be required in fiscal year 1982. The request is being submitted at this time in order to comply with the requirements of section 607 of the Congressional Budget Act of 1974.

Technical amendments to the block grant program

Section 108(a) of the bill would amend section 102 of the Housing and Community Development Act of 1974 to change the entity responsible for establishing and defining standard metropolitan statistical areas (SMSAs) and their components, and for providing criteria with respect to poverty levels, from the Office of Management and Budget to the Department of Commerce. This is a technical change to bring these provisions in line with the transfer of statistical analysis functions from the Office of Management and Budget to the Department of Commerce pursuant to Executive Order 12013.

Subsection (b) would amend section 103 of the Act by striking out subsection (e), which required the Secretary to submit to the Congress timely requests for additional authorizations for fiscal years 1978 through 1980. The extension of this provision is unnecessary in light of section 607 of the Congressional Budget Act of 1974, which requires that any request for the enactment of legislation authorizing the enactment of new budget authority to continue a program or activity for a fiscal year be submitted to the Congress not later than May 15 of the year preceding the year in which such fiscal year begins.

Subsection (c) would make several technical amendments to section 104 of the Act to conform certain subsection designations in section 104 to changes proposed in this section.

Subsection (d) would amend section 106 of the Act by deleting subsections (c), (g), (h), (i), (j) and (l) and redesignating the remaining subsections accordingly. Subsection (c) provided for the phase-in of formula entitlement amounts with respect to funds approved for distribution during fiscal years 1975, 1976 and 1977. This provision is, accordingly, obsolete.

Subsections (g), (h), (i) and (j) provided for the computation and payment of hold-harmless amounts and related matters. Since hold-harmless payments were completely phased out in fiscal year 1980, these provisions are obsolete.

Subsection (l) required the Secretary of HUD to report to the Congress, not later than September 30, 1978, with respect to the adequacy, effectiveness and equity of the formula used for the allocation of block grant funds. Since this report has been furnished to Congress, retention of this provision is not necessary.

Subsection (e) would make several technical amendments to section 106(a) of the Act to conform subsection designations to changes proposed elsewhere in this section, and to eliminate obsolete references to hold-harmless payments to metropolitan cities and urban counties.

Subsection (f) contains a technical change to section 106(b)(4) of the Act to remove reference to hold-harmless recipients in the computation of block grant amounts and exclusions with respect to urban counties.

Subsections (g) and (h) would make a number of technical changes in section 106(c) of the Act, as redesignated, which provides for the use of funds from the SMSA discretionary balance, and section 106(e) of the Act, as redesignated, which deals with grants from the non-SMSA allocations.

Paragraph (1) of each subsection would eliminate reference to hold-harmless communities as recipients of grants from the balances.

Paragraph (5) of each subsection would eliminate the special consideration to be given small hold-harmless communities with comprehensive community development programs in the program of multi-year funding for small cities with such programs.

Subsections (g)(6) and (h)(7) would eliminate reference to hold-harmless grantees as units of government whose populations are excluded from computing the discretionary balances.

The remaining paragraphs of each subsection contain technical conforming amendments.

Subsection (i) would amend section 108 of the Act to permit the Secretary to guarantee notes or other obligations under that section only to the extent or in such amounts as provided in appropriation Acts. This is a technical amendment to reflect the Administration's policy with respect to control of Federal credit programs by means of annual limitations to be included in appropriation Acts.

Subsection (j) would amend section 116 of the Act by deleting subsections (b), (f) and (h). Subsection (b) provided for a reduction of block grants to recipients which received grants from fiscal year 1975 appropriations for title I of the Housing Act of 1949 or title I of the Demonstration Cities and Metropolitan Development Act of 1966. Subsection (f) provided for advances of block grant funds in certain circumstances for the program period beginning January 1, 1975. Subsection (h) contained a pro-rata reduction of grant mechanism for fiscal year 1977 similar to current section 106(m) of the Act. These provisions are obsolete and, accordingly, are proposed for deletion.

Subsection (j) would also amend current section 106(g) of the Act (redesignated as subsection (b) by this bill), providing for block grant application submission dates, to eliminate reference to hold-harmless recipients.

TITLE II—HOUSING ASSISTANCE PROGRAMS

Low-income housing

Section 201(a) of the bill would amend section 5(c) of the United States Housing Act of 1937 to increase, subject to approval in an appropriation Act, annual contributions contract authority for the public housing and Section 8 Housing Assistance Payments programs by $1,553,661,000 on October 1, 1980 and by such sums as may be necessary on October 1, 1981. In fiscal year 1981, the additional amounts authorized would allow the Department to make commitments for an estimated 258,000 units under the Section 8 Housing Assistance program, including 114,700 newly constructed units, 23,300 substantially rehabilitated units and 120,000 existing units. The existing units would include up to 40,000 units to be repaired and upgraded under the moderate rehabilitation program. This increased authorization also would support 42,000 additional units of public housing, including 4,000 units under the Indian Housing program.

Section 201(b) would amend section 9(c) of the 1937 Act to provide an additional authorization of not to exceed $852,000,000 on or after October 1, 1980 and such sums as may be necessary on or after October 1, 1981 for operating subsidies for public housing projects pursuant to that Act. These funds, to be distributed pursuant to the Performance Funding System formula, should allow approximately 2,000 public housing agencies which manage their projects efficiently to keep pace with rising operating and utility costs. In fiscal year 1981 more than one million public housing units will receive operating assistance under this system.

Operating assistance for troubled multifamily housing projects

Section 202(a) of the bill would amend section 201(h) of the Housing and Community Development Amendments of 1978 to provide a funding authorization of not to exceed $41,100,000 for fiscal year 1981 and such sums as may be necessary for fiscal year 1982 to make assistance payments under the Troubled Projects (flexible subsidy) Program authorized pursuant to section 201 of the Housing and Community Development Amendments of 1978.

Section 202(b) would amend section 236(f)(3)(B) of the National Housing Act to extend through September 30, 1982 the period during which amounts in the section 236 rental housing assistance fund may be approved in appropriation Acts for use in the Troubled Projects Program. Existing law subjects the making of payments from the fund to approval in an appropriation Act, and prohibits any amount from being so approved for any fiscal year beginning after September 30, 1980. This proposed amendment is necessary to permit the rental housing assistance fund to be utilized for the Troubled Projects Program during fiscal years 1981 and 1982. The Department intends to request approval, in the HUD appropriation Act for fiscal year 1981, to use the $12 million expected to be received in the rental housing assistance fund during fiscal year 1981.

Appropriations at the proposed levels of authorization, together with the amounts available in the section 236 rental housing assistance fund and $55.9 million of unobligated balances carrying over into 1981, would

permit the Department to assist 2,797 housing projects under the Troubled Projects Program in fiscal year 1981.

Section 235 amendments

Section 203(1), (4) and (5) of the bill would amend sections 235(b)(2) and (1)(3) of the National Housing Act to increase by up to 25 percent the mortgage limits currently provided for the section 235 program. The new limits would be $40,000 ($47,500 for high cost areas) for single family homes, $47,500 ($55,000 for high cost areas) for homes for families with five or more persons, and $55,000 ($61,250 for high cost areas) for two family dwellings. The limits under existing law are $32,000 ($38,000 for high cost areas) for single family homes, $38,000 ($44,000 for high cost areas) for homes for families with five or more persons, and $44,000 ($49,000 for high cost areas) for two family dwellings. The Secretary may, under section 235(o) of the Act, insure a mortgage involving a principal obligation which exceeds these limits by not more than 20 percent under specified circumstances if the mortgage relates to a dwelling in an urban neighborhood undergoing a community sponsored program of concentrated redevelopment or revitalization.

Section 235 mortgage limits were last adjusted in 1977. Prices for low-cost, single family homes are now at or above the current $38,000 high cost area limit in most areas of the country. One to two years from now, prices are expected to be fifteen to thirty percent higher. If the section 235 program is to be employed effectively, more realistic mortgage limits are necessary. Except for cases covered by section 235(o) and the proposed new section 235(p), discussed below, the proposed 25 percent increase would serve as the upper limit for the program.

Section 203(2) and (3) of the bill would amend section 235(h)(1) of the National Housing Act to increase the annual ceiling on the amount of assistance payments under the program by such sums as may be necessary on October 1, 1981. This proposed increase is submitted at this time in accordance with section 607 of the Congressional Budget Act of 1974.

Section 203(6) of the bill would add a proposed new subsection (p) to section 235. This new provision would permit the Secretary to insure a mortgage under section 235 which involves a principal obligation which exceeds, but not more than ten percent, the maximum limits specified under section 235 (b)(2) or (i)(3), or if applicable, the maximum principal obligation insurable under section 235(o), if the mortgage relates to a dwelling unit to be occupied by a physically handicapped person and the Secretary determines that this action is necessary to reflect the cost of making the dwelling accessible to and usable by that person.

Many handicapped individuals have limited incomes and are eligible for section 235 assistance. The higher costs involved in modifying a builder's stock plan or in substantially rehabilitating an existing dwelling in order to accommodate a barrier-free design for a physically handicapped person make it difficult to acquire an accessible home within the normal mortgage limits of the program. The higher mortgage limits proposed under paragraphs (1), (4) and (5) of this section, and the higher principal obligation insurable under section 235(o) with respect to revitalization areas, do not reflect any additional costs of housing where a physically handicapped person is to be the occupant. Accordingly, the proposed increase under paragraph (6) would expand the loan limits for the limited but important purpose of making section 235 mortgage insurance and subsidies available in those cases where it would otherwise be precluded because of these added costs.

Congregate services program amendment

Section 204 (a) and (b) of the bill would amend the Congregate Housing Services Act of 1978 to exclude applications for assistance to provide congregate services exclusively to nonelderly handicapped residents from the requirements that they be developed in consultation with, and after review and comment by, agencies serving the aging. Specifically, it would amend sections 405 (c) and (d) of the Act so that the consultation, review and comment requirements under these provisions would apply only to applications to provide congregate services to elderly residents.

Applications to serve nonelderly handicapped individuals would still be required to comply with the provisions under section 405 (e) requiring referral to the agency responsible for providing social services to permanently disabled adults. However, the proposal would relieve sponsors of projects designed exclusively to serve the nonelderly handicapped from the requirement of complying with the unnecessarily burdensome and duplicative process under existing law of referring applications to both the agency serving the aging and the agency serving the disabled. If a project may serve both the elderly and the nonelderly handicapped, dual referral would continue to be required.

Section 204(c) of the bill would amend section 405(e) (1) and (2) of the Act so that the consultation, review and comment requirements under these provisions would refer to the "appropriate agency" rather than the "appropriate local agency". This change is necessary to reflect the fact that the appropriate agency for serving permanently disabled adults may be a State rather than a local agency.

TITLE III—PROGRAM AMENDMENTS AND EXTENSIONS

Extension of Federal housing administration mortgage insurance programs

Section 301 of the bill would extend for two years (through September 30, 1982) the authority of the Secretary of Housing and Urban Development to insure mortgages or loans under certain HUD-FHA mortgage or loan insurance programs contained in the National Housing Act.

Under existing law, the authority of the Secretary of Housing and Urban Development to insure mortgages and loans under these programs will expire on September 30, 1980. After that date, the Secretary may not insure mortgages or loans under any of the major HUD-FHA insuring authorities contained in that Act except pursuant to a commitment to insure issued before that date.

Insuring authorities which will expire on September 30, 1980 include those for the following HUD-FHA mortgage or loan insurance programs: title I—property improvement and mobile home loan insurance; section 203—basic home mortgage insurance; section 207—rental housing insurance; section 213—cooperative housing insurance; section 220—rehabilitation and neighborhood conservation housing insurance; section 221—housing for moderate-income and displaced families; section 222—mortgage insurance for servicemen; section 223—miscellaneous housing insurance, including insurance in older, declining urban areas and for existing multifamily housing projects; section 231—housing for the elderly; section 232—nursing homes; section 233—experimental housing; section 234—condominiums; section 235—homeownership for lower income familes; section 236—rental and cooperative housing for lower income families; section 237—special mortgagors; section 240—homeowner purchase of fee simple title; section 241—supplemental loans for multifamily housing projects; section 242—hospitals; section 243—homeownership for middle-income families; section 244—mortgage insurance on a co-insurance basis; section 245—mortgage insurance on graduated payment mortgages; title VIII—armed forces related housing; title X—land development; and title XI—group practice facilities.

The proposed two-year extension of the above mortgage insuring authorities is designed to guarantee the continud availability of FHA mortgage insurance and thus to maintain and enhance the Department's capacity to contribute to achievement of the national housing goal of "a decent home and a suitable living environment for every American family."

Extension of flexible interest rate authority

Section 302 would extend, through September 30, 1982, the Secretary's authority administratively to set interest rates for FHA-insured mortgage loans to meet the market at rates above statutory maximum. Under existing law, this authority will expire on September 30, 1980.

Extension of Emergency Home Purchase Assistance Act of 1974

Sction 303 of the bill would extend, from October 1, 1980 to October 1, 1982, the authority of the Government National Mortgage Association to enter into new commitments to purchase mortgages under the interim mortgage purchase authority contained in section 313 of the National Housing Act, as added by the Emergency Home Purchase Assistance Act of 1974.

The Emergency Home Purchase Assistance Act of 1974 added section 313 to the National Housing Act authorizing interim or standby authority to purchase mortgages. The Act authorizes the purchase of conventional mortgages, as well as mortgages insured by FHA or guaranteed by the VA. This authority is subject to a finding by the Secretary that inflationary conditions and related governmental actions or other economic conditions are having a severely disproportionate effect on the housing industry and that a resulting reduction in the volume of home construction or acquisition seriously threatens to affect the economy and to delay the orderly achievement of national goals. The purchase authority also must be released in appropriation Acts.

It should also be noted that the Department transmitted legislation to the Congress on December 19, 1979 containing amendments to modify the mortgage amount, sales price and interest rate limitations now applicable under the section 313 authority (S. 2177, 96th Congress (Williams and Cranston); H.R. 6197, 96th Congress (Ashley and Reuss)).

Research authorizations

Section 304 of the bill would amend section 501 of the Housing and Urban Development Act of 1970 to authorize the appropriation of not to exceed $54 million for fiscal year 1981 and such sums as may be necessary for fiscal year 1982 for the Research and Technology Program.

The Department's research activities continue to serve as a national focal point for research, analysis, data collection and dissemination. In 1981, the program will be concentrated on a number of research areas and key evaluations. Particular areas of study will be:

Urban economic development; public finance and tax policy, including the role of small businesses in community development; changes in capital investment by cities and the impact of Federal tax and grant policies on central cities.

How to provide for housing needs and services for special users, such as the elderly and handicapped.

The process of neighborhood change and intervention techniques designed to preserve neighborhoods by preventing and reversing decline.

Issues of economic and racial freedom of

choice in housing and how changes in demographics may affect trends in location patterns.

Alternative housing finance mechanisms, such as alternative mortgage instruments, financial institution regulation and reform, and alternative tax and other financial incentives for housing.

Ways to reduce the component costs of housing (cost of developing, building, financing and operating) and to be more efficient in helping lower income people afford housing through subsidy programs.

More efficient ways to bring about the conservation of energy resources in the construction and operation of housing, and development of "how to" documents on innovative residential energy projects for use by State and local governments and the private sector.

Ways to make better use of technology in urban systems, to improve and maintain the vitality of communities, within affordable tax levels.

Evaluations of key elements of the Department's operating programs. Key evaluations continuing through FY 1981 include the community development strategies evaluation, the Brookings CDBG monitoring study and the Section 8 evaluation.

A program to help local government officials improve their financial management capacity.

Federal Housing Administration General Insurance Fund

Section 305 of the bill would amend section 519(f) of the National Housing Act to authorize the appropriation of an additional $139 million to cover losses sustained by the General Insurance Fund.

This request represents the amount which the Department estimates will be necessary to cover losses to the General Insurance Fund in fiscal year 1981 sustained as a result of the acquisition and sale of insured properties chargeable to the Fund.

GNMA interest reduction grant demonstration

Section 306 of the bill would authorize a demonstration program under which GNMA would make one-time cash payments to lenders who make below-market interest rate loans which are secured by FHA-insured mortgages on multifamily projects. The payment by GNMA would be equal to the difference between the funds actually advanced by the lender and the market value of the loan.

The grant program is viewed as a possible alternative to the current method of tandem financing which involves the purchase and sale of mortgages. Under the present tandem method, compensation for the yield differential between market interest rates and the below-market rate of tandem mortgages is achieved through a "sales discount"—i.e., mortgages bearing below-market interest rates are sold at less than the face value of the mortgages. Under the grant approach, a one-time payment would be made to the loan originator in compensation for the yield differential, precluding the need for a purchase/sale type of transaction.

The section would authorize the appropriation of $30 million for fiscal year 1981 and such sums as may be necessary for fiscal year 1982 to carry out the program.

Increase in GNMA mortgage purchase authority

Section 307 would increase GNMA's statutory mortgage purchase authority under the Special Assistance Functions by $900,000,000 for fiscal year 1981. This increase is necessary to permit operation of mortgage purchase programs at the proposed level of $1.8 billion. At the beginning of fiscal year 1981, GNMA estimates that it will have approximately $992 million in authority available for the issuance of commitments. That authority will be augmented during the year, primarily through mortgage sales, in the amount of some $1.7 billion. However, the recapture of authority may not take place prior to the time that requests for commitments are submitted. Thus, to be assured of being able to meet the demand for commitments, GNMA must have available to it at the beginning of the year a total of $1.8 billion in commitment authority.

Increase in amounts which may be insured under multifamily and institutional authorities in Title II of the National Housing Act to cover the cost of energy conserving measures

Section 308 of the bill would increase, by up to 20 percent, the mortgage limits for FHA multifamily residential programs when such additional sums are needed to finance the installation of energy conserving improvements. In addition, HUD's non-residential (or institutional) programs would be amended to include the cost of such improvements in calculating the maximum mortgage amounts insurable under those programs. The 20 percent increase in mortgage limits would affect the following sections of the National Housing Act: section 207—rental housing insurance; section 213—cooperative housing insurance; section 220—rehabilitation and neighborhood conservation housing insurance; section 221—housing for moderate-income and displaced families; section 231—housing for the elderly; and section 234—condominiums. The institutional programs affected would be; section 232—nursing homes; section 242—hospitals; and title XI—group practice facilities.

For purposes of these programs, qualifying energy conserving improvements would mean solar energy systems, as defined in subparagraph (3) of the last paragraph of section 2(a) of the National Housing Act, and residential energy conservation measures, as defined in section 210(11)(A) through (G) and (I) of the National Energy Conservation Policy Act (P.L. 95-619). Since section 248 of P.L. 95-619 already authorizes increases of up to 20 percent in the mortgage limits applicable to the section 207 to finance solar energy systems, the amendment proposed by section 307 would only amend section 207 to include residential energy conservation measures.

Present FHA mortgage limits can discourage the installation of energy conserving improvements or solar energy systems in HUD-insured construction, because these systems are often too large and expensive to permit construction within applicable mortgage ceilings. It is not currently possible to make upward adjustments in these ceilings, even though the energy savings such improvements would produce could result in a project with lower rents.

The complementary amendment for HUD's institutional insurance programs is considered necessary to encourage a positive attitude among lenders toward inclusion of energy improvements in such projects. Such encouragement is particularly necessary in the case of title XI projects, where the present law requires that a facility be "constructed in an economical manner," and not be "of elaborate or extravagant design or materials."

Title I claims collection

Section 309 of the bill would amend section 2(c) of the National Housing Act to authorize the Secretary to contract with private business concerns to perform the credit and collection function presently carried out by HUD field representatives under the title I program. This change is similar to 20 U.S.C. 1080, which authorizes the Department of Health, Education and Welfare to use private collection agencies in its student loan programs.

At the present time, the number and the dollar amounts of claims filed under this program are increasing. This puts an additional burden on the title I field representatives, who often are assigned duties over and above their title I function. This discretionary authority would be used to meet increases in workload which cannot be handled by existing HUD personnel, and to increase returns to the government in areas with significant collection problems.

In order to ensure adequate protection of the rights of the debtor, the amendment would require claims collection contracts to provide that any atempted collection or compromise will be fair and reasonable, and will not involve harassment, intimidation, false or misleading representations, or unnecessary communications concerning the existence of any such obligation to persons other than the debtor involved. "Unnecessary communications" in the preceding sentence would especially include any communications to credit reporting agencies. Any such communications would be permissible only pursuant to regulations promulgated by the Secretary designed to be consistent with, and further the purposes and policy of, the Privacy Act and Fair Credit Reporting Act.

Definition of mortgage under the National Housing Act

Section 310 of the bill would amend section 201(a) of the National Housing Act to permit a mortgage on a leasehold which may be insured under certain provisions of the Act to be under a lease having a period of not less than ten years to run beyond the maturity date of the mortgage. Under existing law, a first mortgage on real estate with a leasehold must have a lease of not less than 50 years to run from the date that the mortgage was executed.

This amendment would make insured mortgage financing more readily available in areas where leaseholds are prevalent—notably in the State of Hawaii. Renegotiations of leases solely to comply with the 50-year requirement would be rendered unnecessary, resulting in substantial savings to lessees. The change would also provide the Department with a degree of flexibility in disposing of Secretary-held properties, in that a ground lease would not have to be renegotiated prior to the property's sale. This amendment would make HUD's program consistent with those of the VA and FNMA, whose policies require the term of a lease to exceed the mortgage term by fourteen and ten years, respectively. The 50-year lease requirement bears no relationship to the amount of risk being underwritten and cannot be justified in light of the administrative and practical problems it engenders.

Section 220 mortgage insurance in areas of concentrated development activities

Section 311(a) of the bill would amend section 220(d)(1)(A) of the National Housing Act to permit mortgage insurance under section 220 in any area, designated by the Secretary, where concentrated housing, physical development and public service activities are being or will be carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvement, conservation or preservation.

This amendment is designed to provide the Secretary with an additional financing mechanism in areas which qualify as Neighborhood Strategy Areas (NSAs) under the section 8 substantial rehabilitation program (24 CFR 881.301).

This authority would be particularly valuable in the case of multifamily properties. Because section 220 mortgage limits are higher in some respects than those available under section 221(d)(4) (currently the most frequently used FHA program in NSAs), use of section 220 would more often make possible a construction or rehabilitation project that is financially feasible. Section 220, with its moderately higher mortgage limits, could be expected to increase the number of un-

subsidized, FHA-insured projects in NSAs, thus promoting urban revitalization. At the same time, the section 220 mortgage limits are close enough to the section 221(d)(4) limits so that both programs would serve moderate-to-middle income families. While subsidies for lower income residents will continue to be important in NSAs, the existence of adequate means to finance housing for moderate-to-middle income families often can be crucial to the success of local neighborhood revitalization efforts.

Another advantage that the section 220 multifamily insurance authority enjoys, as compared to section 221(d)(4), is that insurance for project commercial and community facilities is more broadly available under the section 220 program. (Section 221 only permits non-dwelling facilities which are needed to serve the occupants themselves.) In NSAs, commercial and community facilities serving a broader clientele will frequently be important to the overall neighborhood revitalization strategy.

Subsection (b) is a conforming amendment to section 220(d)(3)(B)(iv) to permit nondwelling facilities to be included in projects located in neighborhood stategy areas (as well as in urban renewal areas, as permitted by the present law) where the Secretary deems such facilities desirable and consistent with the locally developed strategy for neighborhood improvement, conservation or preservation.

Temporary mortgage assistance payments

Section 312(a)(1) of the bill would designate existing section 230 of the National Housing Act as section 230(a). Section 230 now authorizes the Secretary, upon receiving a notice of default and for the purpose of avoiding foreclosure, to acquire the loan and security with respect to a mortgage insured under the National Housing Act covering a single family (one-, two-, three-, or four-family) dwelling.

Section 312(a)(2) would amend the first sentence of section 230(a) to provide that the Secretary may exercise the authority to acquire the loan and security, notwithstanding the fact that the Secretary has previously made monthly payments due under the mortgage pursuant to the authority under new subsection 230(b) described below.

Section 312(a)(3) would add new subsections (b) and (c) to section 230. Proposed new subsection (b)(1) would authorize the Secretary, as an alternative to acquisition under section 230(a), to make monthly mortgage payments directly to the mortgagee on behalf of owners of FHA-insured single family dwellings whose monthly mortgage payments are in default. The default would have to have been caused by circumstances beyond the mortgagor's control which render the mortgagor temporarily unable to correct the delinquency and resume full mortgage payments. The Department intends that the proposed new program will be the predominant foreclosure-avoidance mechanism to the maximum extent possible, consistent with the Department's current obligations under its Assignment Program. Also, as provided below, the proposed new program is designed to replace fully the Assignment Program in August, 1984. The approximately five-year period before the termination of the Assignment Program would enable the Department to phase in the new program in an orderly fashion.

As in the case under the existing authority under section 230, the proposed new authority would be exercisable upon the Secretary's receiving notice of default and in the Secretary's discretion. Payments could be made only in accordance with the provisions of the new subsection and would be subject to any additional requirements prescribed by the Secretary.

This proposed authority would serve as an additional means of assisting homeowners who are experiencing temporary financial distress to maintain ownership and occupancy of their homes.

It is estimated that in fiscal year 1981 the proposed alternative to assignment would result in the prevention of as many as 2,500 assignments, with a $49.6 million reduction in outlays for claims payments offset by an estimated $6 million in outlays for payments under the proposed new authority.

Paragraph (2) would provide that no payments could be made unless the Secretary determines that the payments are necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to:

Resume full mortgage payments upon termination of assistance under the proposal;

Commence repayment of the payments made by the Secretary at a time designated by the Secretary; and

Pay the mortgage in full by its maturity date, or by a later date for completing the mortgage payments previously approved by the Secretary under section 204(a) of the National Housing Act.

Paragraph (3) would provide that payments could be made in an amount, which would be determined in the Secretary's discretion, up to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance and mortgage insurance premiums due under the mortgage. The initial payment could include an amount necessary to make the mortgage current. However, payments could not exceed amounts which the Secretary determines to be reasonably necessary to supplement whatever amounts the mortgagor is capable of contributing toward the mortgage payment.

Paragraph (4) would provide that payments could be made initially for a period of not to exceed eighteen months, which period could, in the Secretary's discretion, include any period of default for which payments are provided. In exercising this discretion, the Secretary would take into account such factors as the foreclosure-avoidance purposes of the program and the increased risk of loss to the Government. The paragraph would also give the Secretary the discretion to extend the payment period for not to exceed eighteen additional months where the Secretary determines that an extension will be necessary to avoid foreclosure and that there is a reasonable likelihood that the mortgagor will be able to make the payments and repayments specified under subsection (b)(2).

In addition, the Secretary would be directed to review the mortgagor's income periodically to determine the necessity for continuation or adjustment of the payments. The Secretary would be authorized, in the Secretary's discretion, to discontinue the payments upon a determination that there is no longer a reasonable prospect that the mortgagor will be able to make the payments and repayments specified under subsection (b)(2). Also, the Secretary would be directed to discontinue the payments at any time when the Secretary determines that, because of the mortgagor's changed financial circumstances, the payments are no longer necessary to avoid foreclosure.

Paragraph (5) would require that all payments made under the proposed new authority would be regarded as a loan, and would be required to be secured by such obligation as the Secretary may require. It would require that obligation to include a lien on the mortgage property. It also would provide that the "loan" made under the proposed new authority is to be repayable under terms and conditions prescribed by the Secretary. It is anticipated that these terms and conditions would provide for repayment over a period that would be within the mortgagor's ability to pay. In those cases where the mortgagor's income is insufficient to permit full payment of the mortgage by its maturity date, and where the mortgagee agrees, the Secretary would have the flexibility to utilize existing authority under section 204(a) of the National Housing Act to approve recasting the unpaid balance of the mortgage over a period longer than the remaining term of the mortgage. In these instances it is anticipated that the loan would be repaid over the same term as that of the recast mortgage.

It is contemplated that during the period for which payments are provided under the proposed authority, as well as during the repayment period, the responsibility for servicing the mortgage would remain with the private mortgage servicer. In this event, any payments made either by HUD or the mortgagor, including repayment of the loan, would be made directly to the mortgage servicer. Accordingly, paragraph (5) would permit the terms and conditions for repayment to include requirements for repayment of any amounts paid by the Secretary towards the mortgagee's expenses in this regard.

Paragraph (5) also would permit the Secretary to establish appropriate interest charges on the "loan". It would provide that any charges so established would be repayable notwithstanding limitations under any State or local law as to the rate of interest on loans or advances of credit. However, it would not permit interest to be charged at a rate which exceeds the maximum interest rate applicable with respect to mortgages insured pursuant to section 203(b) of the National Housing Act at the time the Secretary approves a mortgage for assistance under the proposed new authority.

Paragraph (6) would permit assistance to be provided under the new authority even though the Secretary previously had taken action to avoid acquisition or foreclosure of the mortgage. If the Secretary previously had provided assistance under the proposed new authority with respect to the same mortgage, such assistance could be provided again at a later date in the event of a subsequent default, but only under limited conditions to be prescribed by the Secretary. It is anticipated that the Secretary will exercise the authority to provide payments with respect to a mortgage previously assisted under the new authority only in unique circumstances.

With respect to the funding of the proposal, paragraph (7) provides that all expenditures made pursuant to the proposed new authority shall be made from the insurance fund chargeable for insurance benefits on the mortgage covering the property to which the payments made under the proposal relate, and that any payments received under the new authority shall be credited to such insurance fund. It provides that, for purposes of the new authority, "expenditures" may include amounts paid by the Secretary toward the mortgagee's expenses in connection with the payments and repayments.

The proposed new subsection 230(c) would prohibit the Secretary from exercising authority under newly designated section 230 (a) (the Assignment Program) in the case of any mortgage with respect to which the Secretary has received a notice of default on or after August 2, 1984. Assistance payments under the proposed new program would replace the Assignment Program in toto with respect to mortgages for which a notice of default is received after that date.

Section 312(b) of the bill would amend the caption of section 230 to read: "Temporary Mortgage Assistance Payments and Acquisition of Mortgages To Avoid Foreclosure." The existing caption reads: "Acquisition of Mortgages To Avoid Foreclosure".

Participation by lower income persons and socially and economically disadvantaged firms in assisted projects

Section 313 of the bill would amend section 3 of the Housing and Urban Development Act fo 1968 to eliminate that provision's requirement that, in order to be given

priority for training and employment in connection with projects receiving direct financial assistance from the Department of Housing and Urban Development, lower income persons must reside in the area of such projects. Lower income persons would continue to be entitled to training and employment priority under the amendment, but the requirement related to such persons' place of residence is no longer considered useful, since many HUD-funded programs either do not have a specific situs or include entire cities within their ambit.

Similarly, the provision would drop the present law's requirement that, to the greatest extent feasible, work contracts to be performed in connection with HUD-assisted projects be awarded to business concerns "located in or owned in substantial part by persons residing in the area [of HUD-assisted projects]." As proposed to be amended, this portion of section 3 would require instead that, to the greatest extent feasible, such work contracts should be awarded to socially and economically disadvantaged individuals, and to firms owned and controlled by such individuals.

The legislative history of section 3 indicates that one of the primary purposes for addressing the provision of increased business enterprise opportunities in the locality of HUD projects was to remedy the lack of participation in project work by disadvantaged persons, especially minorities, and businesses owned by such persons. Under the amendment, all socially and economically disadvantaged businesses would be provided increased opportunities in connection with HUD projects, not just those located in the area of the HUD project. This portion of the amendment is patterned after similar provisions in the Small Business Act and in the Senate-passed "National Public Works Economic Development Act" (S. 914).

Report on housing production goals

Section 314 of the bill would amend section 1603 of the Housing and Urban Development Act of 1968 to direct the President to submit to the Congress the Housing Production Report required under that section not later than March 15 of every other year beginning with calendar year 1981. Existing law requires submission of the Report by January 20 of each year.

The primary use of the Production Report is as a reference and research document, which reports on achievements in housing production and in neighborhood and housing conservation, and on the most recent estimates of housing needs and related housing problems in the U.S. Policies, proposed legislation, intended changes to program regulations and similar issues are reported to the Congress and to the public in other channels: the President's budget message and related budget documents, testimony by Departmental and Administration officials before congressional committees, publication in the Federal Register and other means.

Many of these means are available on a continuing basis rather than just once a year, and can be used to respond to changes in the economy and in housing production levels as they occur.

The Production Report can still serve an important function as an historical record and a reference document for research and analysis purposes if issued every two years rather than annually. Biennial reporting would free Federal staff resources in HUD, Commerce, Labor, Agriculture, Treasury and other agencies for other useful activities, such as responding to specific points of interest raised by Administration policy makers and the Congress. Less frequent reporting would not result in loss of information, but would allow more efficient reporting and analysis of data on housing production, marketing, financing, rehabilitation, subsidization and conservation, and would reduce paperwork burdens.

The proposal would also make a number of amendments to conform the substantive requirements of the Report to the use of a biennial reporting period. Specifically, the required review of progress made in achieving housing production objectives would cover the two years preceding the year in which the Report is submitted, except that the review would only cover the preceding year with respect to the report due in 1981. Application of the two-year period to this report would duplicate information for calendar 1979 contained in the report submitted in 1980. In addition, the proposal would require the Report only to set general objectives for production and rehabilitation activity for the second year covered by the Report. The detailed projections required for the existing Report cannot readily be made beyond a one-year period. Similarly, the identification of legislative and administrative actions to be taken to support housing goals cannot meaningfully be made on a two-year basis. Accordingly, identification of these actions would be required only as feasible for the second year covered by the Report.

For the relief of the city of Springfield, Illinois

Section 315 of the bill would provide that, notwithstanding the provisions of title VII of the Housing Act of 1961 (Open-Space Land) or any other law, the transactions under which land acquired by the City of Springfield, Illinois (in connection with Open-Space Projects No. Ill.–OSC–171 (DL) and No. Ill.–OSC–246 (DL) was transferred by the City to the United States Department of the Interior for the Lincoln Home National Historic Site shall be deemed to have been made in accordance with all provisions of title VII of that Act and of any other law and with any implementing regulations or other requirements.

The enactment of this proposal is the only equitable solution to a difficult and awkward legal situation.

The problem revolves around the transfer of land from the City of Springfield, Illinois, to the National Park Service of the United States Department of the Interior for the Lincoln Home National Historic Site. The land had been acquired by the City with assistance of grants made by the Secretary of Housing and Urban Development under title VII of the Housing Act of 1961 which authorized the Secretary to make grants to States and local public bodies for certain defined open-space uses. A total of $305,445 in grant funds was disbursed by HUD for the City's open-space project pursuant to contracts executed by HUD and the City in 1968 and 1971.

The Department of the Interior, as a Federal entity rather than a State or local public body, is not an eligible transferee under title VII. In view of this, HUD proposed that the transaction be treated as a conversion, under section 704 of title VII, to another use. That section requires, as one of the conditions of conversion, that the grantee substitute other open-space land for the land converted.

The most equitable solution under the circumstances would have been for the Department of the Interior to pay the City the fair market value for the land which was transferred, so that the City would use these funds to purchase other land of equal value and usefulness for open-space purposes. However, it was subsequently found that this solution was precluded by special Federal legislation (P.L. 92–127, August 18, 1971) which provides that any lands acquired from the City of Springfield for the Lincoln Home National Historic Site be by donation only. Consequently, the only available solution under existing legislation would require that the City repay the grant to the Federal Government or that the Department of the Interior reconvey the land to the City to be used for the use specified under the open-space grant contracts between HUD and the City.

The City was not enriched by the transfer or for that matter ever reimbursed for its local share of approximately $300,000. The use of the land as part of the Lincoln Home National Historic Site is considered most desirable by HUD, Interior and the City of Springfield. In addition, while its present use as an historic site is not exactly that which was intended at the time the grants were made, under this use the land would maintain its open-space character and provide at least as much, if not more, benefit to the general public.

Transfer of energy related functions

Section 316 of the bill would amend sections 303, 304 and 310 of the Energy Conservation and Production Act to transfer to the Secretary of Energy the authority of the HUD Secretary to implement energy performance standards for new residential and commercial buildings. In 1977, the authority to develop and promulgate such energy performance standards was transferred from the HUD Secretary to the Secretary of Energy by section 304(a) of the Department of Energy Organization Act. The amendments would complete the process of centralizing these functions in the Department of Energy.

Conforming amendments would also be made to section 304 of the Department of Energy Organization Act. It should be noted that legislation to accomplish this purpose—S. 1604, 96th Congress (Ribicoff)—is presently pending before the Senate Committee on Governmental Affairs.

TITLE IV—PLANNING ASSISTANCE

Section 401 would revise the planning assistance authority contained in section 701 of the Housing Act of 1954. The revised authority would establish broad National Policy Objectives which would serve as the focal point to guide the planning efforts of States, areawide planning organizations and local governments. These National Policy Objectives are:

The conservation and improvement of existing communities, particularly the improvement of those which are faced with fiscal, economic or social distress;

An increase in housing and employment opportunities and choices, especially for lower income and minority persons; and

The promotion of orderly and efficient growth and development of communities, regions and States, taking into consideration the necessity of conserving energy.

The revised authority is designed to help achieve these Objectives in two ways. First, it would encourage the joint efforts of State and local governments and areawide planning organizations for the development of State and areawide strategies. Second, it would assure that developed strategies lead to implementation activities by States, areawide planning organizations and local government and to the encouragement of a coordinated response by all levels of government to carry out such strategies.

These changes build upon the existing section 701 program, and are necessary to provide planning activities with a clear focus which is sensitive to the needs and opportunities of the 1980's; to accord State and local governments and areawide planning organizations the flexibility to tailor their planning activities to the particular needs and opportunities of their own jurisdictions; to assure that State and local planning efforts address and meet these needs and opportunities in a meaningful way; and to provide a framework to facilitate Federal action which is supportive of the

developmental decisions of States, areawide planning organizations and local governments.

This basic structure is set forth in the findings, statement of objectives and purpose provisions in proposed section 701(a), (b) and (c), respectively. Other specific provisions of the revised authority are as follows.

Proposed subsection (d) would define the terms "Secretary", "State", "unit of general local government", "metropolitan area" and "areawide planning organization" for purposes of section 701. In order to qualify as an "areawide planning organization" under the authority, an organization would have to be established by State law or authorized by State law and established by local agreement to undertake planning for a metropolitan or nonmetropolitan area and

Be the designated clearinghouse pursuant to OMB Circular A-95;

Contain two or more counties and be open to membership by all units of general local government contained within the jurisdiction of the organization; and

Be composed of a membership at least two-thirds of which consist of elected officials of the units of general local government participating in the organization.

This last requirement could be waived by the Secretary where necessary to permit a unified areawide organization to participate in a number of planning activities funded by different Federal agencies.

Proposed subsection (e) contains the list of recipients eligible for section 701 funding. Those eligible to apply for funding directly to HUD include the States for state-wide activities, metropolitan areawide planning organizations and the various territories and possessions of the United States. Nonmetropolitan areawide planning organizations, units of general local government (except counties) of less than 50,000 population, all counties (other than urban counties) and any group of adjacent units of general local government having a total population of less than 50,000 and having common or related planning problems and opportunities would apply for 701 assistance through the State. The subsection also would allow metropolitan areawide planning organizations to apply through the State on a voluntary basis.

The provisions for eligible recipients remain the same as under the current legislation, except that large cities (those with populations of 50,000 or more), urban counties (as defined in title I of the Housing and Community Development Act of 1974) and Indian tribes will no longer be eligible for funding. This change is in accord with congressional action preventing HUD from funding large city and urban county applicants, although they are eligible under the current statute. This congressional action is based upon the availability to these recipients of Community Development Block Grant funds that can be used for planning. The proposed amendments would also exclude Indian tribes, which, like large cities and urban counties, receive block grant funds which can be used for planning. Direct funding for States, metropolitan areawide planning organizations and territories and possessions, and funding through the State for nonmetropolitan areawide planning organizations, local governments, and for those metropolitan areawide planning organizations voluntarily applying through the State, continues the funding pattern contained in the present legislation.

Proposed subsection (f) would allow States to request their areawide planning organizations to administer the local assistance funds provided through the State. This is similar to the current 701 provision.

Proposed subsection (g)(1) would provide that contracts to make grants to the recipients described in subsection (e) would contain such terms and conditions as the Secretary may prescribe, and may include provision for periodic release of grant funds on the basis of the progress of grantees in accomplishing the specific actions and activities for which grants were made.

Proposed subsection (g)(2) would continue existing section 701's one-third local match requirement. Subsection (g)(3) would authorize the Secretary, as under existing law, to provide technical assistance to eligible grantees, and to make studies and public information related to furthering the purposes of the 701 program. The small amount of money that has been used in recent years for this purpose has been very beneficial, and it is proposed that this authority be continued.

Subsection (g)(4) would authorize the appropriation of not to exceed $40 million for fiscal year 1981, and such sums as may be necessary for fiscal year 1982 for the revised authority.

Subsection (h) would require States, prior to submission of an application for assistance for state-wide activities, to afford a reasonable opportunity, as prescribed by the Secretary, to units of general local government and areawide planning organizations located within the State to comment on the strategy statement (if approval of a strategy is being sought) and the action program proposed for inclusion in the application, and on the consistency of the strategy and program with the plans and activities of these entities. Each areawide planning organization applying for assistance directly from the Secretary or through the State would be required to afford the same opportunity to units of general local government participating in the organization, and additionally, in the case of an application submitted by a metropolitan areawide planning organization seeking assistance directly from the Secretary, to the State or States in which the organization is located. Each State, areawide planning organization or other entity receiving assistance under subsection (e) would also be required to provide for citizen participation in the development of its strategy statement, where required, and the actions and activities to be carried out with such assistance, in accordance with regulations of the Secretary.

These provisions would ensure that entities which would be affected by proposed strategies or actions and activities assisted under section 701 would have adequate opportunity to assess and comment upon their merits and desirability. As noted below, the Secretary would take comments received into account in determining whether to approve a strategy or to provide assistance for proposed actions or activities.

Proposed subsection (i) contains application requirements for section 701 assistance. Paragraph (1) sets forth requirements for States seeking assistance for state-wide activities and for metropolitan areawide planning organizations seeking assistance directly from HUD. An applicant would have to:

Either set forth a strategy statement which identifies policies and programs over at least a three-year period which address the major issues and problems of the applicant's jurisdition and are clearly designed to carry out each of the National Policy Objectives described above, or indicate that the application is based upon a previously approved strategy statement which is in effect, as provided in proposed subsection (m)(4);

Formulate an action program which describes specific actions and activities to be undertaken to implement the strategy statement;

Establish a timetable for the achievement of specific results under the action program;

Submit all comments received pursuant to proposed subsection (h) and indicate the modifications, if any, made to the strategy statement or action program as a result thereof;

Certify that the strategy statement and action program proposed in the application are consistent with other plans and activities of the applicant, and, in the case of an areawide planning organization, certify that the strategy statement and action program are consistent with any approved State strategy statement;

Certify that it has the authority to implement and execute the actions and activities described in the action program, or, if it does not have such authority, otherwise demonstrate, by means of implementation agreements or other documentation, specific steps the applicant will take to assure implementation;

Provide satisfactory assurances that the action program will be conducted and administered, and that the strategy statement is, in conformity with title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968; and

Meet such other requirements as the Secretary may prescribe by regulation.

Paragraph (2) contains application requirements for States for the provision of assistance to areawide planning organizations. In order to receive assistance, the State would have to

Specify the manner in which assistance provided will be distributed among the areawide planning organizations;

Certify that each such organization has submitted or, as a condition for receiving assistance, will submit to the State an application which meets the comment and citizen participation requirements of proposed subsection (h) and the application requirements of paragraph (1);

Certify that, prior to providing assistance to any such organization, a strategy statement for the organization has been approved by the Secretary; and

Meet such other requirements as the Secretary may prescribe by regulation.

The heart of these application provisions is the requirement that States and areawide planning organizations develop strategies and action programs. The strategy requirement would compel applicants to develop plans which are responsive to National priorities and which can be used by HUD and other Federal agencies in making program decisions which are supportive of local developmental decisions.

The requirement for an annual action program is designed to make the strategies and plans useful documents and ones that are carried out by the various levels of government. The tie of these requirements to continued eligibility for funding, and the level of funding, would provide incentives for improving the quality of planning and implementation, and assure that 701 applicants either take steps to implement their plans and programs or face elimination from the program.

Paragraph (3) contains application requirements for States for the provision of assistance to units of general local government. In the application, States would have to:

Specify the manner in which assistance provided will be distributed among these entities;

Certify that the actions and activities to be carried out by such entities, as a condition for receiving assistance, address the major issues and problems of their jurisdictions and are clearly designed to carry out the National Policy Objectives;

Certify that the actions and activities to be carried out are or will be, as a condition for receiving assistance, consistent with any applicable existing approved strategy statement;

Provide satisfactory assurances that the actions and activities to be carried out will be conducted and administered in conformity with applicable civil rights statutes; and

Meet such other requirements as the Secretary may prescribe by regulation.

Paragraph (4) would require each territory or possession applying for assistance directly from the Secretary to:

Set forth actions and activities which address the major issues and problems of the applicant's jurisdiction and are clearly designed to carry out the National Policy Objectives;

Certify that it has the authority to implement and execute the proposed actions and activities, or, if it does not have such authority, otherwise indicate specific steps the applicant will take to assure implementation;

Provide satisfactory assurances that the proposed actions and activities will be conducted and administered in conformity with applicable civil rights provisions; and

Meet other requirements prescribed by the Secretary.

Paragraph (5) would also authorize grants to States or areawide planning organizations for the purpose of revising existing approved strategy statements. Applications for these grants would have to contain such information and meet such requirements as the Secretary may prescribe by regulation.

Paragraph (6) would permit States to submit consolidated applications under subsection (i) requesting assistance for any purpose or combination of purposes as provided under proposed subsection (e).

Subsection (j) would provide that, in providing assistance to areawide planning organizations, the Secretary (or the State, in the case of assistance provided through the State) may give preference to, and may provide additional funding for, organizations which provide for voting rights among their members weighted in proportion to the population of the areas represented by their members. This preference and authorization for bonus funding would encourage movement toward areawide organizations which are set up on the principle of "one-person one-vote," in order to provide greater equity to all participants and aid in directing activities toward problems of distress and equal choice.

Subsection (k)(1) would require the Secretary to establish criteria for the evaluation and approval of strategy statements and applications for grants under subsection (i), including applications for grants through States, and for the awarding of grants pursuant thereto. These criteria would be required, among other things, to take into account:

The degree to which a strategy statement submitted for approval furthers attainment of the National Policy Objectives and can be used in connection with program decisionmaking by Federal agencies and State and local governments;

The extent to which an action program, where required, will make significant progress in implementing the strategy statement and the Objectives;

The extent to which a strategy statement and action program respond to the concerns expressed in comments submitted pursuant to proposed subsection (h), particularly comments from distressed communities; and

The extent to which grantees have demonstrated progress in carrying out assisted actions and activities.

Subsection (k)(2) would provide that, in each year in which assisted actions or activities are being carried out, each State and other entity receiving assistance directly from the Secretary must submit to the Secretary a performance report concerning such actions and activities. The Secretary would be required, at least on an annual basis, to make such reviews and audits as may be necessary or appropriate to determine whether a recipient of funds under proposed subsection (e) has carried out actions and activities substantially as described in its application, whether the actions and activities conformed to the requirements of section 701 and other applicable laws, and whether the recipient has a continuing capacity to carry out such actions and activities in a timely manner. The Secretary would be required to adjust, reduce or withdraw grant funds, or take other actions as appropriate in accordance with such reviews and audits. These provisions would assure that only those programs which are being implemented are funded, and would provide incentives to improve the quality of planning.

Subsection (k)(3) would provide for GAO audits of the financial transactions of recipients of section 701 assistance.

Proposed subsection (l) would provide that only those planning and management actions and activities which are clearly related to the National Policy Objectives would be eligible for 701 funding. It also contains a provision, similar to the current 701 legislation, which would make ineligible the cost of the acquisition, construction, rehabilitation, or the preparation of engineering drawings or similar detailed sepcifications for specific housing, capital facilities or other public works or for the financing of routine administrative responsibilities of a State or local government.

Proposed subsection (m)(1) would authorize Secretarial approval of strategy statements independent of an application for assistance under subsection (i). The Secretary would also be authorized, with the consent of a State or areawide planning organization to approve a strategy statement submitted in connection with an application for assistance under such subsection, notwithstanding disapproval of a funding request. In either case, the strategy statement would have to meet the comment and citizen participation requirements of subsection (h) and the application and review requirements applicable to strategy statements contained in subsections (i) and (k).

Subsection (m)(2) would require the Secretary to utilize, to the maximum extent feasible, approved stategy statements to guide policy and funding decisions with respect to HUD's programs and activities which affect the geographical areas covered by such strategy statements.

Subsection (m)(3) would encourage the Secretary to work with other Federal departments and agencies in order to develop standards and criteria for the review and approval of strategy statements for use on an interagency basis. Additionally, the Secretary could encourage other departments and agencies to use such strategy statements, consistent with their program authority, as all or part of their planning requirements. Finally, the Secretary could undertake cooperative efforts with such other departments and agencies and with States and areawide planning organizations for the purpose of developing strategy statements that could be utilized in program decision making by other Federal departments and agencies.

These provisions clearly indicate that the Department intends to use these strategies for its decisionmaking and, through interagency cooperation, would authorize the Secretary to work toward a more coordinated Federal response to locally conceived strategies. Such use would help assure that Federal decisions are not made at cross purposes, and would help in the development of plans which can be used by all levels of government for making meaningful programmatic decisions.

Subsection (m)(4) would provide that a strategy statement approved by the Secretary would remain in effect for a maximum of three years following the date of its approval. Any extension of a strategy statement beyond such three-year term, or any major modification, as determined by the Secretary, of a statement during such term, would have to meet the comment and citizen participation requirements of subsection (h) and the application and review requirements applicable to strategy statements contained in subsections (i) and (k), and must be approved by the Secretary. Any proposed modification would have to be submitted to the Secretary prior to its incorporation into the strategy statement.

Proposed subsection (n) is similar to a current provision of section 701, under which the consent of Congress is given to two or more States to develop cooperative efforts to carry out the purposes of the 701 program.

Section 402 would provide that the amendments made by section 401 would become effective upon the effective date of regulations implementing the revised authority, but not later than 270 days following enactment of the Housing and Community Development Act of 1980. This provision is needed in order to allow time to meet the various regulatory and Congressional review requirements of regulations, and to provide adequate lead time for all applicants to prepare their applications in accordance with the revised requirements of the 701 program.●

By Mr. CHILES:

S. 2384. A bill to provide for the distribution of the Code of Ethics for Government Service; to the Committee on Governmental Affairs.

● Mr. CHILES. Mr. President, I am pleased to introduce legislation to authorize distribution of the Code of Ethics for Government Service to all Federal offices in which at least 20 civilian workers are employed. This bill is a companion measure to H.R. 5997, proposed by Congressman CHARLES E. BENNETT, chairman of the House Ethics Committee.

The Code of Ethics for Government Service was initiated by Congressman BENNETT and approved by both Houses of Congress some 20 years ago. The 10 general principles of the code enunciate a standard of behavior that should be the guideline for all persons employed by the Federal Government.

The relevance and need for such a code is as apparent today as when first proposed by Congressman BENNETT. Federal employees must be encouraged and directed to strive to meet their job responsibilities in the most efficient, productive, and honest manner. The code lays out in succinct fashion just what is expected of those employed in Government service.

Unfortunately, in recent years the code has not been something of which many Federal employees are aware. The Washington Star has characterized it as "one of official Washington's best kept secrets." It is not widely displayed in most Government and congressional offices. In fact, it is not readily available.

The Star pointed out that—

When the Supreme Court asked for 12 copies of a color poster of the code earlier this year, it could locate only six. The Government Printing Office couldn't provide more because the negatives were all destroyed in 1972.

We all need frequent reminders of the goals, standards and responsibilities that

are part of our employment. For Federal employees, the Code of Ethics can serve as a reliable reference point of just what is required of those whose job it is to serve the public. To accomplish that purpose it is essential that the code be prominently displayed in Federal offices. The legislation I am offering today aims to insure that the General Services Administration in conjunction with the executive agencies will undertake a program to provide for the open display of the Code of Ethics in appropriate locations in all Federal offices.

Mr. President, I ask unanimous consent that the text of the bill and the Code of Ethics for Government Service be printed at this point in the RECORD.

There being no objection, the bill and code were ordered to be printed in the RECORD, as follows:

S. 2384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the General Services Administration (hereinafter in this Act referred to as the "Administrator") shall establish a program under which copies of the Code of Ethics for Government Service (H. Con. Res. 175, Eighty-fifth Congress), in a form suitable for open display, are displayed in appropriate areas of buildings in which at least twenty Federal civilian employees are employed.

SEC. 2. It shall be the duty of the head of any Executive agency (as that term is defined by section 105 of title 5, United States Code) and of the United States Postal Service and the Postal Rate Commission to request from the Administrator the copies of the Code of Ethics prescribed by the program established under the first section and any additional copies that can be appropriately used and to require that such copies be displayed throughout their agencies in appropriate areas, including all reception offices of buildings used by all employees under the jurisdiction of such person.

SEC. 3. The Administrator may accept on behalf of the United States unconditional gifts made for the purpose of carrying out the program established under the first section.

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in government service should:

I. Put loyalty to the highest moral principles and to country about loyalty to persons, party or Government department.

II. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

III. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

IV. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

V. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

VI. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

VII. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

VIII. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

IX. Expose corruption wherever discovered.

X. Uphold these principles, ever conscious that public office is a public trust.●

By Mr. WILLIAMS (for himself, Mr. PELL, and Mr. RANDOLPH):

S. 2385. A bill to extend the authorization of youth training and employment programs and improve such programs, to extend the authorization of the private sector initiative program, to authorize intensive and remedial education programs for youths, and for other purposes; to the Committee on Labor and Human Resources.

YOUTH ACT OF 1980

● Mr. WILLIAMS. Mr. President, my colleagues and I are introducing today the Youth Act of 1980, President Carter's proposal for a major offensive against joblessness among young Americans. I have been joined in the introduction by Senators PELL and RANDOLPH.

As designed by the administration, the Youth Act consolidates existing authorities under which the Department of Labor has been addressing the needs of young people and proposes a new program of career preparation in the local schools of the Nation.

It is the product of nearly 3 years of intensive experimentation and research on the problems confronting youth in their transition from school to work. Under the Youth Employment and Demonstration Projects Act (YEDPA), enacted in 1977, a wide variety of innovative programs and projects were designed to demonstrate programs and services that hold the greatest promise for providing disadvantaged youth with the skills necessary for productive employment.

The provisions of the Youth Act build on that knowledge and reflect months of work by the Vice President's Task Force on Youth Employment, the National Commission on Employment Policy, and the Office of Youth Programs in the Department of Labor to develop a consensus on the directions that are charted in this legislation.

The predicament of youth facing the competitive labor market in the 1980's will not be resolved by any single legislative design. It will require a major commitment not only by Congress, but also by the key institutions of local governments, local education agencies, community-based organizations, private employers, and organized labor to collaborate as never before in providing disadvantaged youth with the skills necessary to succeed.

Economic experts, public officials, and educators have grown alarmed in the past few years over the worsening plight of jobless youth. The situation became more critical as large numbers of youth and women entered the labor market—many with limited skills—in search of scarce jobs. The unemployment rate for youth has been consistently three times that of the adult labor force, with minority youth unemployment nearly five times higher nationwide. In distressed urban areas and rural pockets of poverty, the unemployment rates for minorities have reached 50 percent or more.

As our society becomes more technologically sophisticated and job requirements become more complex in the 1980's, increasing numbers of disadvantaged youth will be left behind unless they benefit from a more concentrated effort to develop their employability.

Productive employment plays a crucial role in everyone's life. It provides security, self-respect, and self-identity. Our work-oriented society most often defines an individual by what he or she does for a living. When so few jobs are available and youth are frustrated in their efforts to become productive members of the labor force, they cannot long maintain the basic motivations to persist in job search before discouragement and despair win out and income from crime looms as an increasingly attractive alternative.

Youth with marginal skills are the first to be affected by serious economic fluctuations. We saw a clear picture of the human toll exacted from the jobless in this country during the recession of 1975–76 in terms of financial ruin, broken families, the alienation of youth from the work force, and the wreckage of individual hopes. These tragic prospects may be descending on us again.

The President's youth employment initiative is particularly welcome as we move into a new decade with high unemployment and dimming economic hopes. It would target services on those groups most likely to face difficulties in the transition from school to work in the 1980s—young women, minorities, high school dropouts, and youth from low-income families.

It would provide remedial education for those who dropped out of school or were unable to keep up with regular curriculum requirements, meaningful experience in a workplace setting, intensive occupational and skill training, a record of achievement based on the expectations of employers, and an opportunity to develop sound attitudes toward a career.

The long-term economic health of our Nation is dependent on the employability and productivity of its work force. This youth employment initiative is a major step toward improving the employability of youth who will be entering the work force in the coming years.

BASIC PROVISIONS OF THE EMPLOYMENT AND TRAINING ACT—TITLE I

Mr. President, title I of the Youth Act would provide a 4-year authorization for employment and training programs serving youth ages 16–21 who would be the most disadvantaged in the labor market. The programs would be highly targeted to areas with large concentrations of disadvantaged youth and to the individuals with special needs—those who require basic and remedial skill development, lack credentials, are drop-outs or potential dropouts; teenage parents or expectant parents; handicapped youth; those under the jurisdiction of juvenile or criminal justice systems; those who lack equal opportunity due to sex or race; and the long-term unemployed.

The primary emphasis of the programs under this act would be the development

of employability for youth rather than on narrowly focused work experience.

Eligible participants who enroll in the programs would be given individual assessments of their needs resulting in a personal employability development plan for the course of their participation. Benchmarks would be established to measure an individual youth's progress in attaining various levels of competency in the program. Individual achievement records would be maintained for participants which could be used as a credential with employers or educators.

Performance standards also would be established for program operators and service deliverers to insure that high standards of quality and integrity are maintained in the programs.

It would make major improvements in consolidating and coordinating current and new programs for youth between local education agencies and CETA prime sponsors. The Governors would have a special responsibility to assure the statewide coordination of resources between various State institutions and agencies serving youth. This major emphasis on coordination of resources and institutions may be the most important improvement in youth employment programs.

The bill would provide programs and services meeting a wide variety of needs relating to levels of maturity and skills with the flexibility necessary for local prime sponsors and educational agencies to serve the differing needs of youth in their communities.

The programs would be designed and administered through the coordinated efforts of State and local governments, educational agencies, private employers, organized labor, and community organizations. It would involve State employment service agencies, community development corporations, and apprenticeship programs as well.

It provides for incentive grants targeted for programs or projects with national or special objectives such as neighborhood rehabilitation and community improvement, weatherization of homes for low-income families, services for special population groups, projects with private employers and economic development agencies, and community development corporations.

Special education cooperation incentive grants would be funded as joint agreements between CETA prime sponsors and local education agencies to insure integrated programs of work experience and education activities including the development of alternative curriculum programs for youth unable to return to the conventional school environment. Community-based organizations, postsecondary institutions, and special apprenticeship programs would be funded under these grants to provide alternative programs for hard-to-reach individuals.

BASIC PROVISIONS OF THE EDUCATION AND TRAINING ACT—TITLE II

Mr. President, title II of this bill would provide for the delivery of basic educational skills and services to youth in about 3,000 targeted school districts. Target schools would be those with high concentrations of poor and low-achieving youth.

Programs would be planned and developed by eligible local schools with the involvement of all elements in the community, including teachers, parents, employers, and community organizations. Goals would be established for each school's program to improve achievement and reduce dropouts and absenteeism. This basic skills program would be integrated into the entire school curriculum and the development of employment and training experiences would be closely linked to the classroom.

The selection of eligible schools would be under the authority of the local school board. The superintendent and the local board would decide which programs among all of the eligible schools submitting plans would be funded. The board would be assisted in making the decisions by a broadly representative advisory council with strong private sector representation. Each local board would adopt performance standards to assess each school's program activities during the 3-year period of grant eligibility. Funds would be distributed in fiscal year 1981 to allow implementation of the programs for the 1981–82 school year.

The bill would also provide a major role for vocational education in improving the employment skills of high school students and in developing special programs for dropouts.

Supplemental grants would be provided to States for those schools with concentrations of poor youth which are ineligible for the basic grants, for supplementing schools receiving small amounts under the basic program, or for other schools unfunded by basic grants. The State grants would also provide for programs serving special need populations such as migrant and seasonal farmworkers, handicapped individuals, and teenage parents.

The major objective of the Education and Training Act is to enhance employability of such young people by providing basic educational skills with special intensity and by assisting the development of basic work skills for youth on the junior high school level and by supplementing vocational education with remedial skills for older youth.

The broad objectives of the bill are laudable and urgently needed. I will join my colleagues on the Labor and Human Resources Committee to be sure that the provisions are adequate enough to assure that those objectives will be met.

We must be concerned, for example, with the effective delivery of special services to young people whose employment prospects are at risk. The Federal Government has nearly 20 years of experience in delivering such services through our States and localities. During that time, we have experienced both successes and failures. It is incumbent upon us to identify clearly the factors most likely to lead the Youth Act to programs capable of reaching our objectives. We must be in a position to assure the young people and their families that they will benefit measurably from it. We must assure the taxpayers who support this program that their investments are cost-effective. We must assure the Congress that a significant social problem—youth unemployment—will be lessened by this program and that our statutory framework will resolve this knotty problem with minimal regulatory and paperwork burdens.

The committee will give special scrutiny to the following concerns:

Effective coordination among educators, employment and training officials, private sector employers, and worker organizations;

Meeting the unique needs of each individual student; and

Workable means for assuring both individual outcomes and program effectiveness.

The youth initiative proposes a high priority. We welcome the proposal and will bend every effort to assure the fulfillment of its visions.

The authorizations for the Youth Employment and Demonstration Projects Act of 1977 will expire on September 30, 1980, which underscores the urgency of using what we have learned under that experience to devise a more effective authorization.

The President has provided room for funding of this legislation in his fiscal year 1981 budget. He has proposed $1.2 billion in budget authority with an anticipated outlay of $150 million in fiscal year 1981. Most of the new budget authority would allow forward-funding of programs under the educational component of the bill, which would provide a stable planning process consistent with our policy of forward funding other education programs.

This legislation is an important step that would commit Federal resources toward achieving a national consensus on the problems of jobless youth. I am anxious to explore in more detail the provisions of the President's proposal in the subcommittee hearings chaired by Senators NELSON and PELL later this week.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY

TITLE II—FINANCIAL ASSISTANCE TO MEET BASIC AND EMPLOYMENT SKILLS NEEDS OF SECONDARY SCHOOL YOUTH

Section 201. Findings; Purpose; Short Title.

This section contains findings with respect to the high rate of unemployment affecting disadvantaged and minority youth, and announces the purpose of Congress to alleviate that condition by means of a new program that relies on secondary schools, employment and training officers, and the business community to improve the basic and employment skills of disadvantaged youth. Title II may be cited as the "Youth Education and Training Act".

Section 202. Duration of Assistance.

This section authorizes the Secretary of Education to make the payments authorized by title II during fiscal years 1981 through 1984.

Part A—Programs operated by local educational agencies

Section 205. Basic Grants—Eligibility and Amount.

This section makes 87.5 percent of the appropriation in any fiscal year available for the purpose of formula grants to local educational agencies. Available funds are distributed among counties in the States on the basis of relative concentration of low income children and per pupil expenditure. The State educational agency, in turn, also distributes the county allocation among the local educational agencies within the county's boundaries based on the concentration of low income children in each local agency.

Section 206. Local Program Application.

This section requires a local educational agency that desires to participate in the program to file an application with the State educational agency.

Section 207. Development of Initial School Plans.

This section requires a local educational agency to use the funds it receives under part A for fiscal year 1981 to make payments to its secondary schools to develop, in consultation with advisory bodies, 3-year plans designed to improve the basic and employment skills of their students. The local educational agency selects schools for planning assistance on the basis of relative concentration of students from low income families and students deficient in basic skills achievement.

Section 208. Requirements for Implementation of School Programs.

This section describes the considerations that a local educational agency must take into account when it reviews the plans submitted by secondary schools under section 207 in order to decide which schools to fund and in what amounts. The section also authorizes a local educational agency to use not more than 2½ percent of available funds for fiscal years after 1981 to support additional school planning activities.

Section 209. Local District Advisory Council.

This section requires a local educational agency that receives funds under the program to establish an advisory council to make recommendations to the agency regarding which secondary schools should receive planning and implementation assistance under sections 207 and 208 and which services should be provided to students in nonpublic schools under section 213.

Section 210. Funds Allocation.

This section contains provisions to ensure that the local educational agency maintains overall fiscal effort and that the schools funded under this title receive regular non-Federal and special Federal, State, and local funds in amounts equivalent to those received by similar schools that do not participate in the program under part A.

Section 211. Complaint Resolution.

This section requires a local educational agency to establish procedures to resolve complaints made by advisory councils, parents, teachers or others regarding violations of law in connection with programs conducted under part A.

Section 212. Reports.

This section requires a local eduucational agency to annually report on the progress made by its schools to achieve their objectives.

Section 213. Participation of Children Enrolled in Private Schools.

This section requires a local educational agency to set aside a proportionate amount of the funds available to it under part A to arrange for the provision of special services to disadvantaged students enrolled in nonpublic schools on a basis comparable to those provided to students enrolled in public schools. The section authorizes the Secretary of Education to arrange for the provision of those services directly in any case in which the agency is prohibited from providing, or otherwise fails to provide, the required services to the students in nonpublic schools.

Part B—Programs operated by State agencies

Subpart 1—Programs for Special Populations

Section 221. Eligibility and Amount.

This section makes 2.5 percent of the appropriation for the title available for the purpose of making payments to State educational agencies, based upon the relative populations in their respective States of migrant children and institutionalized neglected and delinquent children, for the purpose of conducting programs designed to improve the basic and employment skills of those children.

Section 222. Program Requirements.

This section contains the requirements that a State program must satisfy in order to receive funds under subpart 1, and authorizess the Secretary of Education to arrange for the provision of services directly to the target populations whenever this would be more beneficial to the children, or more efficient or economical, than relying upon the State agency.

Subpart 2—State Supplemental Program

Section 231. Eligibility and Amount.

This section makes 10 percent of the appropriation for the title available for the purpose of making payments to State educational agencies, based upon the relative incidence of children from low income families in their respective States, for the purpose of conducting programs designed to improve the basic and employment skills of those children in schools that are eligible for assistance under part A.

Section 232. Program Requirements.

This section contains the requirements that a State program must satisfy in order to receive funds under subpart 2.

Section 233. Advisory Council.

This section requires a State that receives assistance under subpart 2 to establish an advisory council whose members are selected by the Governor and the State educational agency from among the individuals who serve on the State Employment and Training Council, the State Advisory Council for Disadvantaged Children, and the State Advisory Council for Vocational Education.

Subpart 3—Vocational Education Program

Section 241. Payments to State.

This section provides for the payment of 25 percent of a State's allocation under part A, subpart 2 of part B, and section 256 to the sole State agency for vocational education in order to plan and implement programs designed to improve the basic skills, employment skills and special occupational skills of disadvantaged in-school youth in grades 10 through 12 and CETA-eligible, out-of-school youth aged 16 through 19.

Section 242. Program Requirements.

This section contains the requirements that a State program must satisfy in order to receive funds under subpart 3.

Section 243. Local Agency Application.

This section contains the application requirements that a local educational agency must satisfy in order to receive funds from the sole State agency for vocational education under subpart 3.

Part C—General provisions

Section 251. Applicability of General Education Provisions Act.

This section states that the provisions of the General Education Provisions Act applicable to the local, State and Federal administration of education programs apply to programs assisted under title II.

Section 252. Technical Assistance and Dissemination of Information.

This section requires a State educational agency that receives funds under title II to provide technical assistance to local educational agencies and State agencies, and to disseminate to them relevant information that will assist them in conducting and evaluating activities assisted under title II.

Section 253. State Monitoring and Enforcement Plans.

This section describes the elements of the plan to monitor local agency programs that each State educational agency must submit to the Secretary of Education.

Section 254. Complaint Resolution by State Educational Agency.

This section requires each State educational agency to establish procedures to resolve complaints and appeals from decisions of local educational agencies concerning violations of title II or the General Education Provisions Act in connection with programs assisted under title II.

Section 258. Program Development.

This section authorizes the Secretary of Education to set aside not more than one percent of the total appropriation for title II or $10 million, whichever is less, in order to make grants for development and demonstration activities.

Section 259. Programs in the Territories and Schools Operated by the Bureau of Indian Affairs.

This section directs the Secretary of Education to set aside one percent of the total appropriation for title II for the purpose of making payments to the Secretary of the Interior on behalf of Indian youth, and to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands for programs to improve basic and employment skills.

Section 260. Definitions.

This section defines terms used in title II.

Section 261. Authorization of Appropriations.

This section authorizes the appropriation of such sums as may be necessary for the title for fiscal years 1981 through 1984. It also authorizes the appropriation to be included in an Act making appropriations for the preceding fiscal year and to be made available for obligation and expenditure commencing on July 1 for that preceding fiscal year.●

● Mr. PELL. Mr. President, I am pleased to join my distinguished colleague, the Senator from New Jersey, in introducing the Youth Act of 1980.

I agree with the thrust and focus of this legislation. I believe that the fact that 50 percent of our unemployed are young people between the ages of 16 and 21 constitutes the single most dangerous and erosive reality facing our society today.

But I also have a major reservation. I am concerned that this program not be financed at the expense of critically important and successful education programs already in effect. That action would be as tragic as if we ignored the problem of youth unemployment that is before us.

Few problems within our society are as menacing as the alarming rate of unemployment among our young people. The average rate of unemployment for these young people is 13 percent. In my own State of Rhode Island, it is 17.9 percent. For black youth, the national rate of unemployment is close to 40 percent, and in many depressed urban areas, it exceeds 50 percent.

Nor should the immediacy of our fiscal crisis divert our attention from seeking to solve this serious unemployment problem. The concept behind this program

is sound. Without improved skills these young Americans will have little chance to become responsible, taxpaying citizens.

It is important, however, that we move with care, that we refrain from raising expectations beyond our ability to produce, that we fashion a program that is as simple and direct as possible, and that it strike at the heart of the problem but not drown in a proliferation of paperwork and bureaucracy.

This, however, is just the tip of the iceberg, the symptom of much larger and more serious problems. For beneath those statistics is the disturbing reality that most of the unemployed youth lack proficiency in basic skills—reading, writing, and computing—and are unprepared in attitude and habits to enter the workplace.

The portent of this situation is ominous. It could well mean that for an entire generation of unemployed young Americans the opportunity for gainful, productive employment will not be possible. The cost of that in social terms would be staggering. But the cost in human terms would literally be devastating.

The tragedy is that our society is already traveling down this dangerous road. To change directions will not be easy, but that should not deter us.

I applaud President Carter and his administration for concentrating upon the problem of unemployed youth. I congratulate them for the public attention they have brought to bear on this situation. As chairman of the Subcommittee on Education, Arts, and Humanities, I can say that we will examine their proposals with recognition of the serious problem at hand, that we shall seek to write an effective legislation program, and that we shall act with dispatch.●

By Mr. HEFLIN (for himself, Mr. KENNEDY, Mr. DECONCINI, Mr. DOLE, Mr. COCHRAN, and Mr. SIMPSON):

S. 2387. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute; to the Committee on the Judiciary.

STATE JUSTICE INSTITUTE ACT OF 1980

Mr. HEFLIN. Mr. President, I am introducing legislation today that will create a structure known as the State Justice Institute. The Institute would provide technical and financial assistance to further the development and adoption of improvements in the administration of justice in State courts throughout the United States.

State courts share with the Federal courts the awesome responsibility for enforcing the rights and duties of the Constitution and laws of the United States. Our expectations of State courts, and the burdens we have placed upon them, have increased significantly in recent years. For example, efforts to maintain the high quality of justice in Federal courts have led to an increasing tendency to divert cases to State courts. The enactment of much recent congressional legislation, and heightened awareness throughout the country generally, in consumer, environmental, health, safety and civil rights areas have placed new demands on our State courts to redress grievances and insure justice for all Americans. The Federal Speedy Trial Act has forced both criminal and civil cases to State courts and decisions of the U.S. Supreme Court have placed increased responsibility on State court procedures.

Testimony taken at the hearings investigating the need for, and feasibility of, such an Institute revealed that because of these and other reasons, 98 percent of all cases tried today are heard in the State courts. It is, therefore, apparent that the quality of justice in the United States is largely determined by the quality of justice in our State courts.

Moreover, there have been major changes in the mission of courts and judges, both in the State and Federal systems, over the last few decades. For instance, earlier in this century there was much argument as to whether or not a judge's function included an obligation to see that cases in their courts moved toward disposition in a regular and efficient manner. Today, however, problems of administration have taken their place along side problems of adjudication as main responsibilities of judges. Nearly everyone has come to acknowledge that today's judges have a duty to insure that their cases do not simply languish on the docket, but instead are moved to a conclusion with as much dispatch and economy of time and effort as practicable.

We do not look unfavorably on the occurrence of any of these events, nor do our State courts shirk from the discharge of their constitutional duties. But it is appropriate for the Federal Government to provide financial and technical assistance to State courts to insure that they remain strong and effective in a time when their workloads are increasing as a result of Federal policies and decisions.

As the late Tom Clark, Associate Justice of the Supreme Court, once wrote:

> Courts sit to determine cases on stormy as well as calm days. We must therefore build them on solid ground, for if the judicial powers falls, government is at an end.

If we are to build our State courts on "solid ground," if we are to have State courts which are accessible, efficient, and just, you must have the following: structure, facilities, and procedures to provide and maintain qualified judges and other court personnel; educational and training programs for judges and other court personnel; sound management systems; better mechanisms for planning, budgeting and accounting; sound procedures for managing and monitoring caseloads; improved programs for increasing access to justice; programs to increase citizen involvement and guaranteed greater judicial accountability.

The creation of a State Justice Institute would be a major step toward the achievement of these goals. The Institute has been endorsed by such organizations as the Conference of Chief Justices, the Appellate Judges Conference, and the Council of the American Bar Association's Division of Judicial Administration. Such an institute—consistent with the doctrines of federalism and separation of powers—could assure strong and effective State courts, and thereby improve the quality of justice available to the American people. I sincerely hope that my colleagues in the Senate will join me in supporting the creation of such an Institute.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State Justice Institute Act of 1980".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the quality of justice in the Nation is largely determined by the quality of justice in State courts;

(2) State courts share with the Federal courts the general responsibility for enforcing the requirements of the Constitution and laws of the United States;

(3) in the Federal-State partnership of delivery of justice, the participation of the State courts has been increased by recently enacted Federal legislation;

(4) the maintenance of a high quality of justice in Federal courts has led to increasing efforts to divert cases to State courts;

(5) the Federal Speedy Trial Act has diverted criminal and civil cases to State courts;

(6) an increased responsibility has been placed on State court procedures by the Supreme Court of the United States;

(7) consequently, there is a significant Federal interest in maintaining strong and effective State courts; and

(8) strong and effective State courts are those which produce understandable, accessible, efficient, and equal justice, which requires—

(A) qualified judges and other court personnel;

(B) high quality education and training programs for judges and other court personnel;

(C) appropriate use of qualified nonjudicial personnel to assist in court decisionmaking;

(D) structures and procedures which promote communication and coordination among courts and judges and maximize the efficient use of judges and court facilities;

(E) resource planning and budgeting which allocate current resources in the most efficient manner and forecast accurately the future demands for judicial services;

(F) sound management systems which take advantage of modern business technology, including records management procedures, data processing, comprehensive personnel systems, efficient juror utilization and management techniques, and advanced means for recording and transcribing court proceedings;

(G) uniform statistics on caseloads, dispositions, and other court-related processes on which to base day-to-day management decisions and long-range planning;

(H) sound procedures for managing caseloads and individual cases to assure the speediest possible resolution of litigation;

(I) programs which encourage the highest performance of judges and courts to improve their functioning, to insure their accountability to the public, and to facilitate the removal of personnel who are unable to perform satisfactorily;

(J) rules and procedures which reconcile the requirements of due process with the need for speedy and certain justice;

(K) responsiveness to the need for citizen involvement in court activities through educating citizens to the role and functions of courts, and improving the treatment of witnesses, victims, and jurors; and

(L) innovative programs for increasing access to justice by reducing the cost of litigation and by developing alternatve mechanisms and techniques for resolving disputes.

(b) It is the purpose of this Act to assist the State courts and organizations which support them to obtain the requirements specified in subsection (a)(9) for strong and effective courts through a funding mechanism, consistent with doctrines of separation of powers and Federalism, and thereby to improve the quality of justice available to the American people.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Institute" means the State Justice Institute;

(2) "Board" means the Board of Directors of the Institute;

(3) "Director" means the Executive Director of the Institute;

(4) "Governor" means the Chief Executive Officer of a State;

(5) "recipient" means any grantee, contractor, or recipient of financial assistance under this Act;

(6) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States; and

(7) "Supreme Court" means the highest appellate court within a State unless, for the purposes of this Act, a constitutionally or legislatively established judicial council acts in place of that court.

ESTABLISHMENT OF INSTITUTE; DUTIES

SEC. 4. (a) There is established in the District of Columbia a private nonprofit corporation which shall be known as the State Justice Institute. The purpose of the Institute shall be to further the development and adoption of improved judicial administration in State courts in the United States. To the extent consistent with the provisions of this Act, the Institute shall exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(a) of title 29 of the District of Columbia Code).

(b) The Institute shall—

(1) direct a national program of assistance designed to assure each person ready access to a fair and effective system of justice by providing funds to—

(A) State courts;

(B) national organizations which support and are supported by State courts; and

(C) any other nonprofit organization that will support and achieve the purposes of this Act;

(2) foster coordination and cooperation with the Federal judiciary in areas of mutual concern;

(3) make recommendations concerning the proper allocation of responsibility between the State and Federal court systems;

(4) promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and

(5) encourage education for judges and support personnel of State court systems through national and State organizations, including universities.

(c) The Institute shall not duplicate functions adequately performed by existing nonprofit organizations and shall promote, on the part of agencies of State judicial administration, responsibility for success and effectiveness of State court improvement programs supported by Federal funding.

(d) The Institute shall maintain its principal offices in the District of Columbia and shall maintain therein a designated agent to accept service of process for the Institute. Notice to or service upon the agent shall be deemed notice to or service upon the Institute.

(e) The Institute, and any program assisted by the Institute, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the Institute, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

(f) The Institute shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, guidelines, and instructions under this Act, and it shall publish in the Federal Register, at least 30 days prior to their effective date, all rules, regulations, guidelines, and instructions.

BOARD OF DIRECTORS

SEC. 5. (a)(1) The Institute shall be supervised by a Board of Directors, consisting of eleven voting members to be appointed by the President, by and with the advice and consent of the Senate. The Board shall have both judicial and nonjudicial members, and shall, to the extent practicable, have a membership representing a variety of backgrounds and reflecting participation and interest in the administration of justice.

(2) The Board shall consist of—

(A) six judges, to be appointed in the manner provided in paragraph (3);

(B) one State court administrator, to be appointed in the manner provided in paragraph (3); and

(C) four public members, no more than two of whom shall be of the same political party, to be appointed in the manner provided in paragraph (4).

(3) The President shall appoint six judges and one State court administrator from a list of candidates submitted by the Conferences of Chief Justices. The Conference of Chief Justices shall submit a list of at least fourteen individuals, including judges and State court administrators, whom the conference considers best qualified to serve on the Board. Prior to consulting with or submitting a list to the President, the Conference of Chief Justices shall obtain and consider the recommendations of all interested organizations and individuals concerned with the administration of justice and the objectives of this Act.

(4) In addition to those members appointed under paragraph (3), the President shall appoint four members from the public sector to serve on the Board.

(5) The President shall appoint the members under this subsection within sixty days from the date of enactment of this Act.

(b)(1) Except as provided in paragraph (2), the term of each voting member of the Board shall be three years. Each member of the Board shall continue to serve until the successor to such member has been appointed and qualified.

(2) Five of the members first appointed by the President shall serve for a term of two years. Any member appointed to serve for an unexpired term arising by virtue of the death, disability, retirement, or resignation of a member shall be appointed only for such unexpired term, but shall be eligible for reappointment.

(3) The term of initial members shall commence from the date of the first meeting of the Board, and the term of each member other than an initial member shall commence from the date of termination of the preceding term.

(c) No member shall be reappointed to more than two consecutive terms immediately following such member's initial term.

(d) Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(e) The members of the Board shall not, by reason of such membership, be considered officers or employees of the United States.

(f) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of a simple majority of the membership present and voting.

(g) The Board shall select from among the voting members of the Board a chairman, the first of whom shall serve for a term of three years. Thereafter, the Board shall annually elect a chairman from among its voting members.

(h) A member of the Board may be removed by a vote of seven members for malfeasance in office, persistent neglect of, or inability to discharge, duties, or for any offense involving moral turpitude, but for no other cause.

(i) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the chairman, acting at his own discretion or pursuant to the petition of any seven members.

(j) All meetings of the Board, any executive committee of the Board, and any council established in connection with this Act, shall be open and subject to the requirements and provisions of section 552b of title 5, United States Code, relating to open meetings.

(k) In its direction and supervision of the activities of the Institute, the Board shall—

(1) establish such policies and develop such programs for the Institute as will further achievement of its purpose and performance of its functions;

(2) establish policy and funding priorities and issue rules, regulations, guidelines, and instructions pursuant to such priorities;

(3) appoint and fix the duties of the Executive Director of the Institute, who shall serve at the pleasure of the Board and shall be a nonvoting ex officio member of the Board;

(4) present to other Government departments, agencies, and instrumentalities whose programs or activities relate to the administration of justice in the State judiciaries of the United States, the recommendations of the Institute for the improvement of such programs or activities;

(5) consider and recommend to both public and private agencies aspects of the operation of the State courts of the United States considered worthy of special study; and

(6) award grants and enter into cooperative agreements or contracts pursuant to section 7(a).

OFFICERS AND EMPLOYEES

SEC. 6. (a)(1) The Director, subject to general policies established by the Board, shall supervise the activities of persons employed by the Institute and may appoint and remove such employees as he determines necessary to carry out the purposes of the Institute. The Director shall be responsible for the executive and administrative operations of the Institute, and shall perform such duties as are delegated to such Director by the Board and the Institute.

(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Institute, or in selecting or monitoring any grantee, contractor, person,

or entity receiving financial assistance under this Act.

(b) Officers and employees of the Institute shall be compensated at rates determined by the Board, but not in excess of the rate of level V of the Executive Schedule specified in section 5316 of title 5, United States Code.

(c) (1) Except as otherwise specifically provided in this Act, the Institute shall not be considered a department, agency, or instrumentality of the Federal Government.

(2) This Act does not limit the authority of the Office of Management and Budget to review and submit comments upon the Institute's annual budget request at the time it is transmitted to the Congress.

(d) (1) Except as provided in paragraph (2), officers and employees of the Institute shall not be considered officers or employees of the United States.

(2) Officers and employees of the Institute shall be considered officers and employees of the United States solely for the purposes of the following provisions of title 5, United States Code: Subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions under the provisions referred to in this subsection at the same rates applicable to agencies of the Federal Government.

(e) The Institute and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code, relating to freedom of information.

GRANTS AND CONTRACTS

SEC. 7. (a) The Institute is authorized to award grants and enter into cooperative agreements or contracts, in a manner consistent with subsection (b), in order to—

(1) conduct research, demonstrations, or special projects pertaining to the purposes described in this Act, and provide technical assistance and training in support of tests, demonstrations, and special projects;

(2) serve as a clearinghouse and information center, where not otherwise adequately provided, for the preparation, publication, and dissemination of information regarding State judicial systems;

(3) participate in joint projects with other agencies, including the Federal Judicial Center, with respect to the purposes of this Act;

(4) evaluate, when appropriate, the programs and projects carried out under this Act to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have met or failed to meet the purposes and policies of this Act;

(5) encourage and assist in the furtherance of judicial education;

(6) encourage, assist, and serve in a consulting capacity to State and local justice system agencies in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services; and

(7) be responsible for the certification of national programs that are intended to aid and improve State judicial systems.

(b) The Institute is empowered to award grants and enter into cooperative agreements or contracts as follows:

(1) The Institute shall give priority to grants, cooperative agreements, or contracts with—

(A) State and local courts and their agencies,

(B) national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments; and

(C) national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments.

(2) The Institute may, if the objective can better be served thereby, award grants or enter into cooperative agreements or contracts with—

(A) other nonprofit organizations with expertise in judicial administration;

(B) institutions of higher education;

(C) individuals, partnership, firms, or corporations; and

(D) private agencies with expertise in judicial administration.

(3) Upon application by an appropriate Federal, State or local agency or institution and if the arrangements to be made by such agency or institution will provide services which could not be provided adequately through nongovernmental arrangements, the Institute may award a grant or enter into a cooperative agreement or contract with a unit of Federal, State, or local government other than a court.

(4) Each application for funding by a State or local court shall be approved by the State's Supreme Court, or its designated agency or council, which shall receive, administer, and be accountable for all funds awarded by the Institute to such courts.

(c) Funds available pursuant to grants, cooperative agreements, or contracts awarded under this section may be used—

(1) to assist State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court personnel and in determining appropriate levels of compensation;

(2) to support education and training programs for judges and other court personnel, for the performance of their general duties and for specialized functions, and to support national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

(3) to conduct research on alternative means for using nonjudicial personnel in court decisionmaking activities, to implement demonstration programs to test innovative approaches, and to conduct evaluations of their effectiveness;

(4) to assist State and local courts in meeting requirements of Federal law applicable to recipients of Federal funds;

(5) to support studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and to enable States to implement plans for improved court organization and finance;

(6) to support State court planning and budgeting staffs and to provide technical assistance in resource allocation and service forecasting techniques;

(7) to support studies of the adequacy of court management systems in State and local courts and to implement and evaluate innovative responses to problems of record management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

(8) to collect and compile statistical data and other information on the work of the courts and on the work of other agencies which relate to and effect the work of courts;

(9) to conduct studies of the causes of trial and appellate court delay in resolving cases, and to establish and evaluate experimental programs for reducing case processing time;

(10) to develop and test methods for measuring the performance of judges and courts and to conduct experiments in the use of such measures to improve their functioning;

(11) to support studies of court rules and procedures, discovery devices, and evidentiary standards, to identify problems with their operation, to devise alternative approaches to better reconcile the requirements of due process with the needs for swift and certain justice, and to test their utility;

(12) to support studies of the outcomes of cases in selected subject matter areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity, to propose alternative approaches to the resolving of cases in problem areas, and to test and evaluate those alternatives;

(13) to support programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

(14) to test and evaluate experimental approaches to providing increased citizen access to justice, including processes which reduce the cost of litigating common grievances and alternative techniques and mechanisms for resolving disputes between citizens; and

(15) to carry out such other programs, consistent with the purposes of this Act, as may be deemed appropriate by the Institute.

(d) The Institute shall monitor and evaluate, or provide for independent evaluations of, programs supported in whole or in part under this Act to insure that the provisions of this Act, the bylaws of the Institute, and the applicable rules, regulations, and guidelines promulgated pursuant to this Act, are carried out.

(e) The Institute shall provide for an independent study of the financial and technical assistance programs under this Act.

LIMITATIONS ON GRANTS AND CONTRACTS

SEC. 8. (a) With respect to grants or contracts made under this Act, the Institute shall—

(1) insure that no funds made available to recipients by the Institute shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any Executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative body, or any State proposal by initiative petition, unless a governmental agency, legislative body, a committee, or a member thereof—

(A) requests personnel of the recipients to testify, draft, or review measures or to make representations to such agency, body, committee, or member; or

(B) is considering a measure directly affecting the activities under this Act of the recipient or the Institute;

(2) insure all personnel engaged in grant or contract assistance activities supported in whole or part by the Institute refrain, while so engaged, from any partisan political activity; and

(3) insure that every grantee, contractor, person, or entity receiving financial assistance under this Act which files with the Institute a timely application for refunding is provided interim funding necessary to maintain its current level of activities until—

(A) the application for refunding has been approved and funds pursuant thereto received; or

(B) the application for refunding has been finally denied in accordance with section 8 of this Act.

(b) No funds made available by the Institute under this Act, either by grant or contract, may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities.

(c) To insure that funds made available under this Act are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used—

(1) to supplant State or local funds currently supporting a program or activity; or

(2) to construct court facilities or structures, except to remodel existing facilities to demonstrate new architectural or technological techniques, or to provide temporary facilities for new personnel or for personnel involved in a demonstration or experimental program.

RESTRICTIONS ON ACTIVITIES OF THE INSTITUTE

SEC. 9. (a) The Institute shall not—

(1) participate in litigation unless the Institute or a recipient of the Institute is a party, and shall not participate on behalf of any client other than itself; or

(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, except that personnel of the Institute may testify or make other appropriate communication—

(A) when formally requested to do so by a legislative body, committee, or a member thereof;

(B) in connection with legislation or appropriations directly affecting the activities of the Institute; or

(C) in connection with legislation or appropriations dealing with improvements in the State Judiciary, consistent with the provisions of this Act.

(b)(1) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services or reimbursement for expenses.

(3) Neither the Institute nor any recipient shall contribute or make available Institute funds or program personnel or equipment to any political party or association, or the campaign of any candidate for public or party office.

(4) The Institute shall not contribute or make available Institute funds or program personnel or equipment for use in advocating or opposing any ballot measure, initiative, or referendum, except those dealing with improvement of the State judiciary, consistent with the purposes of this Act.

(c) Officers and employees of the Institute or of recipients shall not at any time intentionally identify the Institute or the recipient with any partisan or nonpartisan political activity associated with a political party or association, or the campaign of any candidate for public or party office.

SPECIAL PROCEDURES

SEC. 10. The Institute shall prescribe procedures to insure that—

(1) financial assistance under this Act shall not be suspended unless the grantee, contractor, person, or entity receiving financial assistance under this Act has been given reasonable notice and opportunity to show cause why such actions should not be taken; and

(2) financial assistance under this Act shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee, contractor, person, or entity receiving financial assistance under this Act has been afforded reasonable notice and opportunity for a timely, full, and fair hearing, and, when requested, such hearing shall be conducted by an independent hearing examiner. Such hearing shall be held prior to any final decision by the Institute to terminate financial assistance or suspend or deny funding. Hearing examiners shall be appointed by the Institute in accordance with procedures established in regulations promulgated by the Institute.

PRESIDENTIAL COORDINATION

SEC. 11. The President may, to the extent not inconsistent with any other applicable law, direct that appropriate support functions of the Federal Government may be made available to the Institute in carrying out its functions under this Act.

RECORDS AND REPORTS

SEC. 12. (a) The Institute is authorized to require such reports as it deems necessary from any grantee, contractor, person, or entity receiving financial assistance under this Act regarding activities carried out pursuant to this Act.

(b) The Institute is authorized to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract or the terms and conditions upon which financial assistance was provided.

(c) Copies of all reports pertinent to the evaluation, inspection, or monitoring of any grantee, contractor, person, or entity receiving financial assistance under this Act shall be submitted on a timely basis to such grantee, contractor, or person or entity, and shall be maintained in the principal office of the Institute for a period of at least five years after such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours, and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the Institute may establish.

(d) Non-Federal funds received by the Institute, and funds received for projects funded in part by the Institute or by any recipient from a source other than the Institute, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

AUDITS

SEC. 13. (a)(1) The accounts of the Institute shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who place or places where the accounts of the jurisdiction in which the audit is undertaken.

(2) The audits shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audits shall be made available to the person or persons conducting the audits. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to any such person.

(3) The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Institute.

(b)(1) In addition to the annual audit, the financial transactions of the Institute for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the of the United States.

(2) Any such audit shall be conducted at the place or places where accounts of the Institute are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Institute and necessary to facilitate the audit. The full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Institute shall remain in the possession and custody of the Institute throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, and other papers or property for a longer period under section 117(b) of the Accounting and Auditing Act of 1950 (31 U.S.C. 67(b)).

(3) A report of such audit shall be made by the Comptroller General to the Congress and to the Attorney General, together with such recommendations with respect thereto as the Comptroller General deems advisable.

(c)(1) The Institute shall conduct, or require each grantee, contractor, person, or entity receiving financial assistance under this Act to provide for, an annual fiscal audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Institute.

(2) The Institute shall submit to the Comptroller General of the United States copies of such reports, and the Comptroller General may, in addition, inspect the books, accounts, financial records, files, and other papers or property belonging to or in use by such grantee, contractor, person, or entity, which relate to the disposition or use of funds received from the Institute. Such audit reports shall be available for public inspection during regular business hours, at the principal office of the Institute.

ADDITIONAL COSPONSORS

S. 1465

At the request of Mr. TALMADGE, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1465. A bill to amend the Farm Credit Act of 1971 to permit farm credit system institutions to improve their services to borrowers, and for other purposes.

S. 1679

At the request of Mr. BAYH, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1679. A bill to amend the Patent Laws, title 35 of the United States Code.

S. 1758

At the request of Mr. LEVIN, the Senator from Michigan (Mr. RIEGLE), the Senator from Montana (Mr. MELCHER), and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 1758. A bill to amend title 39, United States Code, to restore to Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1858

At the request of Mr. BAYH, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1858. A bill to amend title 28, United States Code, to provide that the Federal tort claims provisions of that title are the exclusive remedy in medical malpractice actions and proceedings resulting from federally authorized National Guard training activities, and for other purposes.

S. 2020

At the request of Mr. COHEN, the Senator from Virgina (Mr. WARNER), and the Senator from Oklahoma (Mr. BELLMON) were added as cosponsors of S. 2020. A bill to amend title 10, United

States Code, to provide expanded opportunities for individuals to earn education benefits based on honorable active service in the Armed Forces, and for other purposes.

S. 2071

At the request of Mr. COHEN, the Senator from Virginia (Mr. WARNER), the Senator from Iowa (Mr. JEPSEN), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 2071. A bill to provide cancellation of student loans made or guaranteed under the Higher Education Act of 1965 for military service, and for other purposes.

S. 2111

At the request of Mr. TALMADGE, the Senator from Louisiana (Mr. LONG), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 2111, a bill to incorporate the National Federation of Music Clubs.

S. 2247

At the request of Mr. MCCLURE, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 2247, a bill entitled "Small and Rural Laboratory Protection Act."

S. 2251

At the request of Mr. METZENBAUM, the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2251, a bill to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol.

S. 2258

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2258, a bill to alleviate the adverse effects of the suspension of trade with the Union of Soviet Socialist Republics on U.S. agricultural producers; and for other purposes.

S. 2283

At the request of Mr. CHAFEE, the Senator from Missouri (Mr. DANFORTH), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Mr. STEVENS), the Senator from Wyoming (Mr. WALLOP), the Senator from New Mexico (Mr. SCHMITT), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 2283, a bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of earned income of citizens or residents of the United States earned abroad.

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. JEPSEN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

SENATE CONCURRENT RESOLUTION 61

At the request of Mr. JEPSEN, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

ELEPHANT PROTECTION ACT OF 1979—H.R. 4685

AMENDMENT NO. 1680

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CHAFEE (for himself and Mr. CULVER) submitted an amendment intended to be proposed by them, jointly, to H.R. 4685, the Elephant Protection Act of 1979.

INTERNATIONAL WILDLIFE RESOURCE CONSERVATION ACT OF 1980

Mr. CHAFEE. Mr. President, hundreds of years ago, the United States was in the position that many emerging nations are today. It is really rather an enviable position. What I am talking about is the chance that these nations have to conserve and wisely manage their natural resources, particularly their wildlife, before these resources dissipate or disappear.

As a member of the Senate Committee on Environment and Public Works, I have been made painfully aware of the many serious environmental problems our country currently faces. We have made some precarious decisions over the years when we opted for economic and industrial success, at the expense of our natural resources. Now our country and its citizens are spending billions of dollars to recuperate what we have lost or at least properly manage the fragments of our environment that remain.

Mr. President, I believe that this country is actively striving to find a good balance between today's economic and energy pressures and the need for a clean, livable environment and wildlife conservation. There is certainly no lack of technological expertise, education, and general good will directed toward this goal. By submitting the International Wildlife Resources Conservation Act of 1980 today, as an amendment to H.R. 4685, I, along with the distinguished chairman of the Resource Protection Subcommittee, Senator CULVER, is asking that we set our sights a little more broadly. Let us share what we have learned with other countries so that they can avoid some of the damage that we are forced to address in our own country retroactively.

Nowhere among the world's natural resources decline is there a more extreme case than in the area of wildlife and its habitat. We attempt to deal with species-by-species disappearance, through trade laws and such, but the quagmire is much deeper and so must be our approach.

I was dismayed at the tragedy of our wildlife resources highlighted during recent hearings of the Resource Protection Subcommittee of the Environment and Public Works Committee. We see species gradually disappearing from the Earth. Loss of habitat vital to wildlife, such as tropical rain forests, is a serious threat to our international wildlife resource. And I might add that one country's loss of habitat might trigger a decline in a migratory species of unique importance far beyond the boundaries of that land.

Two major problems seem to be accelerating around the world—deforestation and desertification. These two scourges of the world environment are the end result of poor forestry or forestry practices. In most instances such impacts can be avoided by the use of modern agricultural or forestry management practices and having a knowledge of the particular weaknesses and strong points of the ecosystem in which these uses are occurring. Members of the subcommittee learned that in all too many instances such knowledge is not available and the result is destruction of habitat leaving the area fit for neither man nor beast.

We all have a stake in preserving and managing the world's wildlife population. Every nation, both those who are just now developing economically and those who have perfected wildlife management methods, will bear the effects if this wonderful resource is allowed to spiral into a drastic decline. That is why a coordinated international effort, a world conservation strategy, is being announced in nations all over the world today, March 5. The OAS is the center for the announcement of our Western Hemisphere efforts.

The scope of the problem may dismay us, but there is a ray of hope in it all. Because there is the prospect that a country with the economic, scientific, and management capabilities such as ours can, with a little bit of care and commitment, try to change the deteriorating fate of our planet's wildlife.

That is what the legislation we are introducing today is all about. It is positive in its approach. Among its features is an international conservation corps system whereby experts from our country can assist other nations in developing their capability to manage their living natural resources. Training opportunities in wildlife conservation for selected foreign nationals, formal or "on the job," will also be provided. A small group of resource attachés will be stationed abroad in key regions, to be sources of needed conservation information. These and other key features of this legislation are further explained in an analysis which I shall submit for the RECORD at the conclusion of my remarks.

Now, what money amount are we talking about here? Billions? Absolutely not. We cannot afford to take care of all the world's resources ourselves.

But we can share our expertise and training with other nations. Therein lies the advantage of this approach. It does not take a lot of money. I have a hard time thinking of a program where the benefits could be greater for the modest amounts spent. This could be our Nation's commitment to preservation of global wildlife resources.

Earlier today, I was speaking with representatives of other nations and international organizations who share this

goal. We had gathered at the halls of the OAS to participate in the announcement of our Western Hemisphere's efforts in the new world conservation startegy. I issued a general challenge at that session, in light of the strategy, that other nations join the United States in making a commitment, however modest, to turn the tide on the deterioration of our wildlife. Creativity can be even more important than dollars here, and no nation will admit to being short on creativity.

I am hopeful that the Senate will join with our Environment and Public Works Committee, Senator CULVER and me in exploring ways to fulfill the conservation role that we know this country and its wildlife managers, scientists, and its general citizenry are capable of playing.

Mr. President, I ask unanimous consent that the text of the amendment along with the analysis be printed in the RECORD.

There being no objection, the amendment and analysis were ordered to be printed in the RECORD, as follows:

At the end thereof add the following new Title II.

SEC. 201. This title may be cited as the "International Wildlife Resources Conservation Act of 1980."

SEC. 202. FINDINGS, PURPOSES AND POLICY.

(a) FINDINGS.—The Congress hereby finds and declares that—

(1) the political, economic and social stability of the world is dependent to a great extent upon the degree to which the rising expectations of the global human populations are met:

(2) realization of these expectations is dependent, in part, upon the wisdom and expertise applied to the development of the world's natural resources;

(3) wild flora, fauna and the habitats upon which they depend represent renewable, living natural resources of inestimable scientific, economic, agricultural, medical, silvacultural, horticultural, ecological, educational, historical, cultural, recreational, and esthetic value which, if conserved and utilized in an ecologically sound manner, are inexhaustible;

(4) many developing nations are aware of these values and are seeking assistance in formulating the capabilities needed to properly integrate conservation of their wildlife resources with their social, economic and agricultural development;

(5) the United States is among the most advanced nations in the world in the conservation of wildlife resources; and

(6) sharing of this expertise with other nations or organizations thereby helping them establish and maintain ecologically responsible and sustainable wildlife resource conservation and development programs, is in the best interests of the United States, other nations and mankind.

(b) PURPOSE.—The purposes of this Act are to provide means to enable specialized agencies of the U.S. government, such as the U.S. Fish and Wildlife Service, to (1) encourage other governments and international organizations to establish and maintain institutions, systems, and procedures to ensure proper conservation and utilization of wildlife resources; (2) facilitate the worldwide sharing of wildlife resource conservation capability; (3) provide for the education or training of foreign nationals in the conservation or administration of wildlife resources; (4) improve the United States government's level of knowledge concerning the conservation status of wildlife resources throughout the world thereby providing for use in U.S. actions within foreign nations, reliable information upon which to base decisions concerning sound enhancement of utilization of their wildlife resources; and (5) provide for the proper coordination of activities carried out pursuant to this Act.

(c) POLICY.—It is declared to be the policy of Congress that all Federal departments and agencies shall encourage as is practicable, wildlife resources worldwide in furtherance of the purposes of this Act.

SEC. 203. DEFINITIONS.—For the purposes of this Act—

(1) the term "conservation" shall include all activities associated with ecologically sound scientific resource management including, but not limited to, research, census, law enforcement, habitat acquisition and maintenance, propagation, and sustainable harvest.

(2) the term "international organization" means any organization whose reasons for being include, but are not necessarily limited to, the conservation of wildlife resources; whose membership is open to and is comprised of citizens of two or more nations and of which the United States government or any department or agency thereof is a member.

(3) the term "wildlife resources" means any non-cultivated plants or non-domesticated animals, and the habitats upon which they depend, including wild varieties of cultivated plants or domesticated animals, except marine fish or marine crustaceans.

(4) the term "Secretary" means the Secretary of the Interior acting through the United States Fish and Wildlife Service.

SEC. 204. International Conservation Corps—

(a) The Secretary may, pursuant to the provisions of Title 5 of the United States Code, but without regard to those provisions of that Code which govern appointments in competitive service, assign to the Department of the Interior employees of State or local governments, research institutions, institutions of higher education or nongovernmental conservation organizations who are competent in the conservation of wildlife resources. Such employees may:

(1) be appointed to the Department of the Interior; or

(2) be deemed on detail to the Department of the Interior.

(b) On request from or with the concurrence of a foreign government or upon request from an international organization and with the concurrence of any appropriate foreign government and after appropriate consultation with the Secretary of State, the Secretary may arrange for the assignment of any employee of the Department of the Interior, or any person appointed or detailed to the Department of the Interior pursuant to subsection (a) of this section, to a foreign government, international organization, foreign research institution, or institution of higher education, for work of mutual concern to the Department and the foreign government or international organization involved. The duration of assignments under this section shall be up to 2 years. However, the Secretary may extend the period of assignment for not more than 2 additional years.

(c) The Secretary may provide such other assistance as he deems advisable in support of projects undertaken pursuant to this section.

SEC. 205. TRAINING OF FOREIGN NATIONALS.—After appropriate consultation with the Secretary of State, the Secretary may provide financial assistance for the training of foreign nationals in the field of wildlife conservation and administration. Such training may be conducted in the United States or elsewhere and may include, but shall not be limited to:

(1) formal training conducted at or in cooperation with research institutions or institutions of higher education, particularly those institutions where fish or wildlife cooperative units are being operated;

(2) specific, problem-oriented training courses or programs conducted by or in cooperation with international, national or local governmental or nongovernmental wildlife resource conservation agencies or organizations, research institutions or institutions of higher education; and

(3) on-the-job training provided by or in cooperation with international, national or local governmental or non-governmental wildlife resource conservation agencies or organizations, research institutions of higher education.

SEC. 206. REGIONAL WILDLIFE RESOURCE ATTACHEES.

(a) After giving due consideration to ecological, commercial, political and other relevant factors, the Secretary and the Secretary of State by mutual agreement are hereby authorized and directed to delineate globally up to ten (10) geographic regions, to be known as Regional Wildlife Resource Conservation Regions. From time to time, as changing conditions warrant, they may increase or otherwise alter the boundaries of any such Wildlife Resource Conservation Regions.

(b) The Secretary is authorized and directed, after consultation with the Secretary of State, to assign abroad personnel qualified in the field of wildlife resource conservation who shall serve as Regional Wildlife Resource Attachees. Except in extraordinary circumstances there shall be no more than one (1) such Regional Wildlife Resource attachee assigned to a given Wildlife Resource Conservation Region.

(c) The functions of these Wildlife Resource Attachees, as related to their assigned geographic region shall include, but not be limited to:

(1) establishment of effective liaison with international, national, and locol governmental non-governmental agencies and organizations and persons involved in, or knowledgeable of, wildlife resource conservation;

(2) provision of expert wildlife resource staff assistance to U.S. embassies, U.S. Agency of International Development offices, U.S. overseas military installation or other U.S. government or private interests;

(3) acquisition and dissemination of reliable data or information concerning:

(A) the status of species of wild fauna and flora;

(B) statutes, orders, regulations, or other laws pertaining to the taking, collecting, import, export, and other aspects of the conservation of wildlife resources;

(C) the potential impact upon wildlife resources of actions authorized, funded or carried out by the United States;

(D) opportunities to initiate or enhance the efficiency of wildlife resource conservation by the transfer of U.S. expertise through technical assistance, training, exchange of publications or otherwise;

(4) liaison with persons responsible for implementation of actions authorized, funded or carried out by U.S. agencies or persons under the jurisdiction of the United States to provide information necessary for making sound conservation decisions;

(5) any other functions which may be relevant to U.S. obligations or authorities in the field of wildlife resource conservation and which are mutually acceptable to the Secretary of State and the Secretary.

SEC. 207. PROVISION FOR ALLOWANCES AND BENEFITS.—Persons who are employed by or assigned to Executive agencies and who, pursuant to this Act, are stationed outside the continental United States shall be entitled to such allowance, differentials and other

benefits as are provided for in Titles 5 and 22 of the United States Code.

SEC. 208. USE OF U.S. OWNED EXCESS FOREIGN CURRENCIES—

(1) The Secretary is authorized to provide from U.S. owned excess foreign currency wildlife resource conservation assistance (which may include, but is not limited to, the acquisition, by lease or otherwise, of lands, waters, or interests therein) to foreign countries under this section under such terms and conditions as he deems appropriate.

(2) As a demonstration of the United States to the worldwide conservation of wildlife resources, the Secretary may, subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), use foreign currencies accruing to the United States Government under the Agricultural Trade Development and Assistance Act of 1954 or any other law to provide to any foreign country (with its consent) assistance in the development and management of programs in the country which the Secretary determines to be necessary or useful for the conservation of wildlife resources.

(3) Whenever foreign currencies are available for the provision of assistance under (1) and (2) of this section such currencies shall be used in preference to funds appropriated under the authority of this Act. However, any such foreign currencies shall be in addition to and not in lieu of any funds appropriated or otherwise made available to the Secretary for the purposes of implementing this Act.

SEC. 209.—ADVISORY COUNCIL ON INTERNATIONAL WILDLIFE RESOURCE CONSERVATION POLICY.—

(a) (1) There is hereby established the Advisory Council on International Wildlife Resource Conservation Policy (hereinafter referred to as the "Council"), which shall be composed of the following members or their designees:

(A) the Secretary, whose representative shall serve as a permanent chairman;

(B) the Secretary of State;

(C) the Secretary of Defense;

(D) the Secretary of Agriculture;

(E) the Secretary of Commerce;

(F) the Administrator of the Environmental Protection Agency;

(G) the Chairman of the Council on Environmental Quality;

(H) the Administrator of the Agency for International Development;

(I) the Director of the National Science Foundation;

(2) two members, appointed by the Secretary, from among officers and employees of the State agencies having direct responsibility for management and preservation of fish and wildlife resources within the State.

(3) two members, appointed by the Secretary, from among the public with interest or expertise in international living natural resource conservation; and

(4) the Secretary of the Smithsonian Institution is invited to appoint a member.

(b) To the maximum extent practicable the Secretary in appointing Council members under section 9(a)(2) and section 9 (a)(3) and those members designated under section 9(a)(1) in choosing their designees should endeavor to assure that such members are knowledgeable in the area of international wildlife conservation.

(c) The term of office of a member of the Council appointed under subsection (a) of this section is two years and an individual may be appointed under such paragraph for not more than two (2) consecutive terms.

(d) Members of the Council who are not regular full-time employees of the United States, or of a State agency, while serving on the business of the Council, including travel time, may receive compensation at rates not exceeding the daily rate of GS–18; and while so serving away from their homes or regular place of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code, for individuals in the Government service employed intermittently.

(e) The Council shall from time to time examine and report to the Senate Committee on Environment and Public Works and the Committee on Merchant Marine and Fisheries in the House of Representatives on activities carried out by the United States which may effect the attainment of the purposes of this Act.

(f) Not later than eighteen months after its establishment, the Council shall submit to the Environment and Public Works Committee in the Senate and the Committee on Merchant Marine and Fisheries in the House of Representatives a report which shall include its views and recommendations on:

(1) progress and problems encountered in implementing this Act;

(2) geographic areas outside the territorial limits of the United States, in which significant wildlife resource conservation problems or opportunities exist and which should be given high priority;

(3) species, habitat or other wildlife resource conservation subject areas in which significant problems or opportunities exist and which should be given high priority;

(4) any measures the United States could take which would stimulate other nations to enhance the conservation of wildlife resources; and

(5) any additional authority or resources needed to more efficiently implement this Act or any recommendations submitted pursuant to this paragraph.

(g) The Council shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.; 86 Stat. 770). The Council may establish its own operating procedures and shall meet from time to time; such meetings shall be open to the public and all reports and proceedings of the Council shall be available to the public. The Secretary is authorized to make available to the Council, on such basis as is deemed appropriate by the Secretary, such staff as may be necessary to assist the Council in carrying out its responsibilities.

(h) In the discharge of its responsibilities, the Council shall, to the extent practicable, ascertain the views and utilize the expertise of the governmental and nongovernmental scientific communities, State agencies responsible for the conservation of wild fauna and flora, and others as appropriate.

SEC. 210. REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the provisions of this Act.

SEC. 211. PROGRAM TO CONSERVE THE AFRICAN ELEPHANT.—In carrying out his responsibilities under this Act, and using other authorities available to him, the Secretary shall design a comprehensive program to conserve the African Elephant (Loxodonta africana). The program shall include measures designed to:

(1) assist in monitoring and managing pressures on wild populations;

(2) enhance the enforcement of applicable domestic and international conservation laws;

(3) insure that the import of elephants or of products derived from them are not detrimental to the wild populations; and

(4) insure that any living elephant imported will be prepared and shipped so as to minimize the risk of injury or damage to health and will not be cruelly treated.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of the Interior to carry out the purposes of this Act—

(a) the sum of $7,000,000 for the fiscal year beginning September 30, 1981, of which sum $1,000,000 shall be applied to programs under this Act regarding the African elephant and up to $1,500,000 may be applied to implementation of section 206 of this Act; and

(b) the sum of $7,000,000 for the fiscal year beginning September 30, 1982, of which sum $1,000,000 shall be applied to programs under this Act regarding the African elephant and up to $1,500,000 may be applied to implementation of section 206 of this Act; and,

(c) the sum of $7,000,000 for each of the fiscal years beginning September 30, 1983, and September 30, 1984, of which sums not more than $3,000,000 may be utilized each year for implementation of section 206.

SUMMARY OF: "INTERNATIONAL WILDLIFE RESOURCES CONSERVATION ACT OF 1980"

AMENDMENT TO H.R. 4685

This bill would enable the U.S. to more efficiently encourage and assist other nations to carry out effective wildlife conservation and sustainable utilization of international wildlife and habitat upon which it is dependent, thus helping insure the continual availability of these resources for man's future food, fibre, medicinal, recreational and other needs. This will be accomplished primarily through the more efficient sharing of wildlife conservation expertise by:

The establishment of an "International Wildlife Conservation Corps." This "Corps" would not be a large organization but rather a system whereby U.S. experts working within the federal, state or private wildlife conservation communities could be identified and made available to other nations to assist them in developing programs, systems, institutions or other means of improving their capability to manage their wildlife and habitat resources;

The establishment of a system to provide selected foreign nationals formal, problem-oriented or "on-the-job" type training opportunities in the field of wildlife resource conservation and administration in the U.S. or elsewhere;

The establishment of a small group (not more than 10) of "Regional Wildlife Resource Attachees" to be stationed abroad to help insure that: actions taken by the U.S. government which may affect the conservation or utilization of wildlife and habitat are based upon the best information available.

The establishment of an "Advisory Council on International Wildlife Conservation Policy" comprised of representatives of appropriate federal agencies, the National Science Foundation, the States, and the Public which would coordinate activities that may effect the attainment of the purposes of this Bill and report to the Congress on: geographic and subject areas to be given priority under the Bill; progress and problems in implementation of the Bill and other relevant matters.

The Bill also authorizes: the use of U.S. owned, excess foreign currencies for wildlife conservation purposes, and the appropriation of $7,000,000 per year to implement the Act.

The Secretary of the Interior, acting through the Fish and Wildlife Service, in consultation and cooperation with the Secretary of State, would be responsible for implementation of the Act.

MILITARY CONSTRUCTION AUTHORIZATIONS—S. 2333

AMENDMENT NO. 1681

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. COHEN submitted an amendment intended to be proposed by him to S. 2333, a bill to authorize certain construction at military installations, and for other purposes.

● Mr. COHEN. Mr. President, I am introducing this afternoon an amendment to the administration's military construction authorization request for fiscal year 1981. My amendment is designed to enable the Air Force and the Department of Defense to meet the military construction program and family housing program needs which the Strategic Air Command (SAC) has identified at Loring Air Force Base in Limestone, Maine.

My amendment is necessary because both the fiscal year 1980 and fiscal year 1981 military construction and family housing requests were formulated in the period during which the Department of the Air Force planned to reduce this facility by 83 percent.

Following a protracted debate on Loring's past and potential value to the defense of our country, Defense Secretary Brown announced on October 31, 1979, the Department's decision not to implement its earlier reduction plans for the facility. Despite this decision, significant deterioration of Loring was permitted to occur while SAC and the Air Force were studying the possibility of a reduction and later during the period in which the Air Force was waiting for the reduction to be implemented. Unless prompt action is taken to deal with this deterioration, Loring's mission might have to be curtailed, to the detriment of the Strategic Air Command and our country's defense readiness.

The Commander in Chief of the Strategic Air Command, Gen. R. H. Ellis, sent a SAC evaluation team to survey Loring's immediate requirements late last year. The information gathered by this group was studied by SAC and a long range catch-up plan was developed by the command. My amendment would authorize those projects in the plan which come under the purview of the Military Construction Subcommittee of the Armed Services Committee and which, according to SAC, should be accomplished at Loring by the close of fiscal year 1981. My objectives are the same as General Ellis': To permit the facility to accomplish its primary strategic mission, to upgrade operational facilities and to improve the quality of life for those who are assigned there.

Specifically, my amendment would add $19,915,000 in military construction program authority to the $7,400,000 requested for Loring in fiscal year 1981 by the administration. In addition, it would add $17,245,800 in family housing program authority to the $3,000,000 requested for Loring in fiscal year 1981 by the administration. The projects which would be authorized are as follows:

Military construction, Air Force
[In thousands of dollars]

Project:	Cost
WSA security system modifications	$2,600.0
Communications facility 5000	210.0
Energy conservation package (4 bldgs)	895.0
Dedicated alert runway	10,800.0
Energy monitoring and control system	610.0
Unaccompanied personnel housing (450 cap)	4,500.0
Fuel cell dock alterations	300.0

Family housing, defense
(Maintenance of real property)

Project:	Cost
Rehabilitation of appropriated housing	3,078.5
Overlay roads	298.4
Paint exterior trim	272.0
Replace boilers (Wyoming Circle)	
Replace boilers (Wells Drive)	26.3
Replace heating systems, Presque Isle	1,484.4
Paint exteriors on-base capehart	64.6
Repair sidewalks	150.2
Paint interiors	149.0
Repair off-base capeharts (4 projects)	518.9
Replace electrical "H" frames	45.0
Replace street lights	93.6
Rehabilitate baths/kitchen—on-base capehart	241.1
Paint exterior—off-base capehart	38.8

Family housing, defense
(Improvement of existing facilities)

Upgrade/rep 400 wherry houses and garages	9,681.0
Const garages and vestibules for 114 off-base capeharts	1,104.0

One concluding point, Mr. President. I wish to make clear that the amendment which I am introducing today will address only a portion of Loring's deterioration problems. The Strategic Air Command's evaluation of Loring's needs also indicates that a substantial increase in Operations and Maintenance funds must be forthcoming in fiscal year 1981 in order to preserve and maintain Loring's value to our national defense. At the appropriate time, I plan to offer an amendment providing such an increase.●

NOTICES OF HEARINGS

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold two hearings on S. 2040, the Small Business Export Expansion Act and S. 2104, the Small Business Export Development Act. The hearings will begin at 9:30 a.m. on March 12 and 13, in room 424 of the Russell Senate Office Building. Further information can be obtained from the committee's offices at 224–5175.●

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

● Mr. HUDDLESTON. Mr. President, I wish to announce that the Agriculture Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices has scheduled a field hearing on March 14 in Louisville, Ky. The purpose of the hearing will be to determine the effect of alcohol fuels development on agriculture production, price support programs, and commodity reserves.

The hearing will begin at 9 a.m. in meeting room 3, East Wing of the Kentucky Fairgrounds Exhibition Center. For further information, please contact the Agriculture Committee staff at 224–2035.●

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND FEDERAL SERVICES

● Mr. GLENN. Mr. President, I would like to announce 2 days of hearings that will be held by the Subcommittee on Energy, Nuclear Proliferation and Federal Services of the Committee on Governmental Affairs. On Tuesday, March 11, and Wednesday, March 12, 1980, the subcommittee will hold hearings on S. 1699, legislation which would provide financial and technical assistance to States, local governments, and regional agencies to promote the establishment of programs to mitigate certain adverse social and economic impacts caused by major energy developments.

Tuesday's hearing will begin at 9:30 a.m. and will be held in room 1202 of the Dirksen Senate Office Building. On Wednesday the hearing will start at 10 a.m. and will also be held in 1202 Dirksen Senate Office Building.

If you have any questions regarding the hearing, please contact Sandy Spector of the subcommittee staff at 224–2627.●

SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

● Mr. CRANSTON. Mr. President, the meeting of the Subcommittee on Child and Human Development to consider S. 1843/H.R. 2977 previously scheduled for March 27 will be held on Wednesday, March 26, at 9 a.m. until 11 a.m. in room 4232 Dirksen.●

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

● Mr. WILLIAMS. Mr. President, it is now nearly 10 years since the Occupational Safety and Health Act became law. During its history, our national program to provide safe and healthful workplaces has made significant progress in protecting workers. But, the program has had its opponents, and has been adversely affected by limitations placed on the appropriations made available to the Occupational Safety and Health Administration. In addition, several bills have been introduced which would substantially alter either the scope of the act or the method of its enforcement.

The Committee on Labor and Human Resources will conduct hearings on the OSHA program, a program which I believe to be of fundamental importance to America's workers. It is now time, 10 years after enactment, to carefully evaluate the current operation of the program.

A thorough review of the existing program is essential to a fair assessment of the several pending proposals to change the program.

The first phase of the hearings will focus on program evaluation, under the following schedule:

Tuesday, March 18, 1980, 9:30 a.m.: Worker and employer education—consultation—new directions.

Friday, March 21, 1980, at 9:30 a.m.: OSHA enforcement.

Friday, March 28, 1980, at 9:30 a.m.: OSHA, 10 years after enactment—a review of the progress of the occupational safety and health program.

In the second phase of these hearings, the committee will turn its attention to assessment of various proposals to amend the Occupational Safety and Health Act of 1970.

Specifically, the committee will consider the effects on the workplace safety and health program of S. 1486, a bill to exempt family farms and nonhazardous

small businesses from the Occupational Safety and Health Act; S. 15772, a bill to exempt family farms from the Occupational Safety and Health Act; and S. 2153, a bill to amend the Occupational Safety and Health Act of 1970 to concentrate enforcement activities on hazardous workplaces and encourage self-initiative in improving occupational safety and health, and for other purposes.

This phase of the hearings will be held on Tuesday, Wednesday, and Thursday, April 15, 16, and 17, 1980, beginning at 9:30 a.m. each day.

All of these hearings will be held in the Committee on Labor and Human Resources' hearing room, room 4232 of the Dirksen Senate Office Building.

Persons seeking additional information on these hearings, and those who wish to testify should contact Michael L. Goldberg, of the committee staff, room 4230, Dirksen Senate Office Building, U.S. Senate, Washington, D.C. 20510 ((202) 244-3674).●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MILITARY CONSTRUCTION AND STOCKPILE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction and Stockpile of the Committee on Armed Services be authorized to meet during the session of the Senate today to consider S. 2833, the Department of Defense military construction authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate today to consider S. 2294, the fiscal year 1981 Department of Defense military authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GENERAL PROCUREMENT AND SUBCOMMITTEE ON MANPOWER PERSONNEL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on General Procurement and the Subcommittee on Manpower Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate tomorrow, March 6, to hold hearings on S. 2294, the fiscal year 1981 Department of Defense military authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, March 7, to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate tomorrow to hear administration officials on conventional arms transfer policy.

The PRESIDING OFFICER. Without objection, so ordered.

SUBCOMMITTEE ON MERCHANT MARINE AND TOURISM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine and Tourism of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate today to hold hearings on S. 2248, the U.S. Travel Service authorization bill.

The PRESIDING OFFICER. Without objection, so ordered.

ADDITIONAL STATEMENTS

REPORTS OF SOVIET USE OF NERVE GAS

● Mr. GARN. Mr. President, the reports of Soviet use of chemical and biological weapons in Afghanistan should concern every American. These are weapons of mass destructive capability. The evidence is becoming increasingly persuasive.

I would call my colleagues' attention to the following unclassified segment of a classified DIA report on the Soviet use of chemical weapons. It states:

(U) 1976 to present, Laos/Kampuchea—the evidence is highly convincing that a lethal chemical agent has been used by Vietnamese and Laotian government forces against rebel tribesmen in these areas. The evidence comes primarily from the interrogation of refugees. A few reports of use in Laos go back to the mid-1970's, and reports became more frequent in late 1978. All reports referred to air delivery of a chemical agent causing severe illness or death. In May 1979 initial interviews were conducted by a U.S. State Department representative of more than 20 H'Mong refugees who claimed to have been eyewitnesses or victims. These interviews showed that there was reason to believe lethal chemical agents were being employed on a significant scale.

(U) In late September 1979, an Army medical team interviewed over 40 H'Mong eyewitnesses who claimed first hand knowledge of gas attacks on over 25 villages in Laos. Although details of the attacks varied, the agent was most frequently described as "yellow rain" or red clouds, disseminated by spray tanks or aerial rockets. Symptoms included coughing, vomiting, dizziness, burning skin and eyes, blisters, runny nose, diarrhea, bloody sputum, painful breathing, convulsions, paralysis and death within minutes to hours. The medical team produced a report that elaborated on the type of attacks and the medical symptoms of alleged victims. In some cases the reported symptoms could be attributed to riot control agents, but the majority of attacks suggest an unknown type of nerve gas or a combination of lethal agents. The reported symptoms were strikingly similar to those reported in Yemen. No confirming medical or physical evidence was obtained by the team. Samples of "poison gas residue" claimed by the H'Mong to have been collected at the sites of two attacks were chemically analyzed, but results have been inconclusive, probably due to the age of the samples. An interesting report was obtained from one refugee. Several hours after an attack on his village, in September 1978, Pathet Lao soldiers wearing masks entered the village, rounded up the survivors (15-20) and gave them injections. The next day the survivors were carried to a hospital in another village and were given additional injections on the second and fifth day after the attack. Five of this group subsequently died, apparently from the injections. This report suggests an attempt at evaluating the results of chemical attacks and indicates that some experimental therapy may have been conducted.

The DIA report concludes by noting that one common element to all the reports on Soviet or Soviet sponsored use of chemical weapons is a lack of capability to retaliate by the other side. The same can be said about the current U.S. capability to retaliate to Soviet use of chemical weapons.

In addition, the Baltimore Sun reported on Monday, March 3, that there is increasing evidence of the use of nerve gas by Soviet troops in Afghanistan. If these reports are true, Mr. President, they reflect a situation which demands the attention of deterring the use of such weapons, but we must address the question of preparing ourselves to defend against the use of such agents in a battlefield situation. It is an area of our defense capability that is not very comforting to discuss, and has been too long neglected. I commend the Sun article to my colleague's attention and ask that it be printed in the RECORD in its entirety at this point.

The article follows:

NEW REPORTS SUGGEST SOVIET USE OF NERVE GAS

(By Charles W. Corddry)

WASHINGTON.—Government sources report several new instances in which Soviet troops are believed to have used lethal nerve gas in trying to put down rebellion against their invasion of Afghanistan.

In one case, according to reports circulating in official quarters, 60 to 100 Afghans are believed to have died in an attack in late January on a village in Badakhshan province in northeastern Afghanistan.

Another 10 to 20 are reported to have died in February attacks in Badakhshan and neighboring Takhar province. Other instances are recounted in the official reports, all said to be in addition to the cases previously cited by officials in January.

At that time, the government did not make official accusations against the Soviet Union regarding use of nerve gas, and it apparently still is unready to do so.

To be able to do that, officials said, the government would want such confirming evidence as laboratory samples of the nerve agent or an autopsy performed on a victim.

In January, the State Department spokesman, Hodding Carter III, referred to unconfirmed reports of chemical warfare, which if true would be "outrageous and inhumane acts against defenseless peoples."

In private, officials' comments were less cautious, leaving no doubt they were convinced the Soviet Union had employed the deadly nerve gas.

The reports circulating in official quarters here are based mainly on interrogation of Afghan refugees, including at least one army officer. Descriptions of victims' symptoms—vomiting, loss of motor functions and quick death—fit what is known about the effects of the nerve agent Soman, officials said.

Reports also accord with other known details of Soviet actions in specific places at specific times, it was said. The incident reported in the northeast in late January, for example, occurred at a time when rebels had

ambushed a Soviet column attempting to relieve an Afghan army unit.

As the State Department's Mr. Carter pointed out earlier, the Russians were known to have taken chemical decontamination equipment into Afghanistan. And Soviet planes were known to have been operating in areas where nerve gas attacks later were reported.

The latest instances of reported chemical warfare in Afghanistan came to light as the Soviet position in that country, by all accounts, continued to deteriorate.

Intelligence sources said there were reports from Russia as well as Afghanistan that 1,500 to 2,000 Soviet troops may have died since the late December invasion. Previously, reports have indicated there may have been 5,000 killed and wounded, but this was the first indication of such a high rate of deaths alone.

The same reports suggested the casualty reports were beginning to worry the Kremlin. Party leaders were reported to be receiving protesting letters from relatives and friends of the troops in Afghanistan, saying death in defense of the homeland was one thing and death in Afghanistan was quite another.

The military analysis here, nonetheless, is that the Soviet Union will have to expand its current 75,000-man force in Afghanistan if it is to make a firm place for itself in that country. More and more, reports to Washington describe the rebellion against the invasion as a nationwide phenomenon.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 43, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 43 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who participates in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for a determination under rule 43 which permits Thomas Wasinger, of the staff of Senator JEPSEN, to participate in a program sponsored by a foreign educational and charitable organization, Tunghai University of Taiwan. The purpose of the trip was to meet with educational, industrial, and governmental leaders of Taiwan, and took place from January 4 to January 12, 1980.

The committee has determined that the participation of Thomas Wasinger in this program, at the expense of the university, was in the interests of the Senate and the United States.●

CARTER PASSES THE BUCK

● Mr. DOLE. Mr. President, in the last couple of days newspaper headlines all around the world have confirmed our worst fears about the Carter administration's indecisive, incompetent foreign policy. The President announced that the United States had made a mistake when it voted Saturday for a United Nations resolution censuring Israel. The vote was 15 to 0, and for the first time Israel's strongest, loyalist ally, the United States, neither voted to support our best friend in the Mideast nor abstained from the vote.

Secretary of State Vance and U.N. Ambassador McHenry are stepping in to take the rap for this colossal "mistake," but it tells the Senator from Kansas that all the horror stories we have heard about this administration are true: Its slipshod methods; its contradictory, vascillating policies; its indecision and flip-flopping on vital issues and goals; its inability to settle on a single, cohesive doctrine for action. This characteristic weakness is summed up in the President's latest, incredible blunder.

NO MISTAKE: CARTER WANTS A SCAPEGOAT

Pro-Israel groups from around the country immediately began denouncing the President's action in the U.N. vote, and Mr. Carter quickly began looking for a scapegoat among his subordinates.

Knowing this administration as we do, this Senator believes the vote could have been the result of crossed signals. But it is much more likely that the President had no idea of the enormity of his decision to go along with the censure of Israel. His policies have consistently tried to pressure the Begin government into unilateral concessions to the Arabs. Perhaps Mr. Carter should get out of the White House a little more often, leave his self-imposed, sequestered style of campaigning, and find out what is going on in the U.N. and the rest of the real world.

The administration now claims that the instructions on the vote should have been to abstain if the U.N. vote included references to east Jerusalem. But the U.N. measure consisted of several points that are departures from past American policy, including its call for dismantling Israeli settlements on the West Bank, the reference to "Palestinian territories," and the unprecedented call for sanctions against Israel. This vote was no mistake, but a deliberate attempt to bully our ally.

PREDICTABLE BACKLASH

The outlook for the American hostages in Tehran is gloomy, and before it starts to sour his artificially high polls the President wanted to quickly limit the damage to himself among Jewish voters.

The Jewish vote will be very important to any Democratic candidate in the coming primaries, and the enormous, but predictable backlash against the President for the U.N. vote could hurt him badly. As the Iranian crisis continues to drag on, the public is beginning to perceive how badly Carter's failed policies are: Appeasing the militants, lifting the sanctions, and refusing to consider military force from the beginning. The Commission of Inquiry has not even seen the hostages yet, let alone come close to arranging for their release. Mr. Carter is looking ahead, for once, and the future is not bright.●

SENATOR KENNEDY ADDRESSES HUMAN RIGHTS IN TAIWAN

○ Mr. CRANSTON. Mr. President, at the request of my distinguished colleague and friend, the senior Senator from Massachusetts (Mr. KENNEDY), I am pleased to ask that his statement on the Kaohsiung incident and human rights in Taiwan be printed in today's RECORD. I share the concerns expressed in Senator KENNEDY's thoughtful statement which I commend to my colleagues' attention. I ask that the full text of this statement be printed in the RECORD at this point.

The statement follows:

STATEMENT BY MR. KENNEDY

Recent developments in Taiwan indicate that the authorities on the island have discontinued their earlier efforts to permit greater freedom of expression. I had been encouraged by attempts over the past year to relax the strict measures adopted 14 months ago, when the United States established diplomatic relations with the People's Republic of China. Indeed, by mid-1979, there were increasing signs of political liberalization in Taiwan, including the establishment of Formosa magazine, which served as one of the principal outlets for the opposition movement.

As Formosa magazine became the central forum for opposition criticism of the Kuomintang government, its popularity steadily increased. The circulation of the magazine grew from 45,000 in August to 90,000 by November, reflecting the widespread desire among Taiwanese for uncensored political debate.

Positive developments continued in other areas as well. Political discussion and debate in Taiwan had become more open and lively than at any time in the recent past. The Government itself sponsored two national development seminars permitting debates on normally sensitive subjects which were reported in the press. There were even some signs that the parliamentary elections which had been suspended in December 1978 would be rescheduled for late 1979 or early 1980.

However, as the time approached for the formal termination of the U.S.-Taiwan Mutual Defense Pact, these favorable trends abruptly came to a halt, with Formosa magazine serving as the primary target of the Government crackdown. In November and early December, vigilante-style groups—apparently condoned, if not instigated, by Taiwan's secret police—carried out violent attacks on the office of Legislator Huang Hsin-chieh, publisher of Formosa magazine, and on the Kaohsiung and Pingtung branch offices of the magazine. Later the Taichung office was also attacked. These attacks were ignored by the local authorities, and no punishment was meted out to those responsible.

In late November, the Formosa magazine office in Kaohsiung requested permission to sponsor a peaceful outdoor celebration of the 31st anniversary of the Universal Declaration of Human Rights on December 10. The permission was initially denied; nevertheless, the publishers of the magazine decided to proceed with their plans for a non-violent ceremony. On December 9, two employees of the magazine driving sound-trucks to advertize the next day's events were arrested by local police and transferred to the custody of the Taiwan Garrison Command. Before their release four-and-one-half hours later, the two were severely beaten, requiring later hospitalization. The security authorities eventually granted permission for a rally outside the Formosa magazine office, but continued to deny permission for a march.

The next day, several thousand people gathered outside the Formosa magazine office. Violence ensued as police and the military blocked the parade route, pushed troop trucks through the crowd, and finally released tear-gas grenades. The fighting continued late into the night.

While little physical damage appeared to result from the riot, the Government later

announced that 183 of its troops had been injured by "mob violence." It is reported by on-the-scene spectators that the police appeared to exercise considerable restraint, for none of the demonstrators is reported to have been seriously injured. The authorities also claimed that the demonstrators had deliberately sought a confrontation with the Government's security forces. In response, the opposition leaders argued that the Government not only had provoked the riot in the first place but also had greatly overstated the level of violence in its official reports.

Regardless of which side actually bore more of the responsibility for the original incident, what is important is that we recognize the consequences of the actions that followed. The day after the rally, Government riot troops raided and destroyed the Kaohsiung branch office of Formosa magazine and the authorities closed down the other nine branch offices. That magazine and the relatively moderate political journal The Eighties—published by Legislator K'ang Ning-hsiang, who did not attend the Human Rights celebration—were banned from further publication. Then, beginning on December 13, Taiwanese security forces conducted a mass roundup of members of the political opposition, including several who were not even present at the Kaohsiung march and rally. According to reliable reports, more than 100 persons were detained and 53 continue to be held since their arrest last December.

In retaliation, Taiwan's CCNAA offices in Los Angeles, Seattle, and here in Washington have been attacked. These acts cannot be condoned, and the attackers should be brought to justice.

In Taiwan, the attacks and the wholesale arrests alone would be cause for great concern, but I am even more disturbed by the reports of harsh conditions and abuses, including the harassment of some detainees' families. Furthermore, eight of the dissidents, including Legislative Yuan member Huang Hsin-chieh, have now been indicted on charges of sedition—which carries a maximum penalty of death—and will apparently be standing trial before a military tribunal very soon. These events do not augur well for the future of the democratic movement in Taiwan and, unless altered, they are bound to affect the future course of U.S.-Taiwanese relations.

I am deeply disturbed by the confirmed reports that on February 28, the mother and twin 7-year-old daughters of one of the indictees, Lin Yi-hsiung, were stabbed to death in Mr. Lin's home and that another daughter was severely wounded. The murders occurred 90 minutes after Mr. Lin's mother had spoken with someone in Japan about the torture Mr. Lin had allegedly undergone in prison.

Our attention in foreign policy has been focused to such a large extent on the recent events in Iran and Afghanistan that little notice has been given to the new repressive actions of the authorities on Taiwan. Nonetheless, I believe it is not too late for the United States to use its influence to encourage renewed movement toward participatory democracy in Taiwan. Premier Y. S. Sun has stated that the Kaohsiung affair will not adversely affect the cause of democracy in Taiwan; we should strongly encourage him and his government to follow through on this undertaking.

We must recognize that with the leaders of the organized democratic movement in prison, there is a danger that the peaceful roads to democracy will appear to be closed, and there there will be increased political confrontation and further violence on the island. That is a situation we all want to avoid.

In the present case, my first hope was that those detained in connection with the Kaohsiung incident would be released or be subject to minimal penalties. Since this did not come about, it is important that the defendants receive prompt and fair trials in open civilian courts with the counsel of their choice and that their sentences be commensurate with any crimes they may have committed. Prosecution recommendations for leniency are a positive, if limited, first step. Carrying out the other steps would be a welcome indication of progress on the part of the Taiwanese Government.

In the longer term, we must also encourage the leaders of Taiwan originating from the mainland to share a much greater degree of political power with the other inhabitants of the island. While there have been commendable increases in the proportion of native-born Taiwanese serving in the provincial governments, the mainland Chinese retain virtually full control at the national level. A more broadly-based government in Taiwan, and an end to the more than 30 years of martial law, will best assure the future stability and security of the island.

In the past, I have supported the sale of defensive weapons to Taiwan. A year ago, I joined the senior Senator from California (Mr. Cranston) and 28 of our colleagues in offering a joint resolution that provided for the continued sale of defensive arms to Taiwan and expressed our deep concern for the peace, prosperity, and welfare of the people on Taiwan. The substance of this resolution was later incorporated into the Taiwan Relations Act of 1979.

However, I do not believe that arms sales should be construed as approval of the recent repressive measures adopted by the officials in Taipei. It is clear that violations of human rights will only hamper our efforts to maintain as close a relationship as we have had with Taiwan. Under the Taiwan Relations Act, the United States has undertaken to preserve and enhance "the human rights of all the people on Taiwan," and this obligation should be fulfilled.

Taiwan has made enormous progress in its economic development, with an economy that now ranks among the fastest-growing in the world. I join with those in Taiwan—both within and outside the Government and the Kuomintang—who believe the time has come for political advances to match those made in the economic sector. While there are differences over the exact nature and pace of these advances, there is a broad consensus on the direction. We are now at a turning point: the authorities in Taiwan, by their conduct of the Kaohsiung trials and by their handling of forthcoming elections, have the opportunity either to continue the new wave of repression or to resume their earlier program of political liberalization. The final decisions that are made in this regard will go far in determining both the future stability of Taiwan and the prospects for continued close U.S.-Taiwan relations.●

A NEW HEALTH PLAN

● Mr. DURENBERGER. Mr. President, I wish to have an article which appeared in the Washington Post on Saturday, March 1, 1980, titled "New Health Plan Claimed To Do More and Cost Less" by Spencer Rich, printed in the CONGRESSIONAL RECORD.

The article describes the work by Alain Enthoven and others which has appeared in a new book called "New Directions in Public Health Care," published by the Institute in Contemporary Studies, and edited by Cotton Lindsay of UCLA.

The article points out the benefits which would be expected from adding competition to the health care system.

These ideas have formed the basis of the Health Incentives Reform Act of 1979, S. 1968, which is sponsored by myself and cosponsored by Senators JOHN HEINZ and DAVID BOREN.

Chairman TALMADGE of the Finance Committee Subcommittee on Health has been kind enough to arrange hearings on this bill and the ideas behind it, to be held on March 18 and 19. I will look forward to full public discussion of our approach at this time.

I recommend the following article by Spencer Rich for my colleagues as a lucid discussion of some elements of the competition in health care proposals.

The article is as follows:

NEW HEALTH PLAN CLAIMED TO DO MORE AND COST LESS

A panel of experts says a new national health plan, based on marketplace competition and designed by Stanford University expert Alain Enthoven, would cost less and serve the public better than the comprehensive plans proposed by President Carter and Sen. Edward M. Kennedy (D-Mass.).

The panel, which included Enthoven, a former Pentagon "whiz kid," sets out its conclusions in a book called "New Directions in Public Health Care," published by the nonprofit Institute for Contemporary Studies, a San Francisco think tank.

UCLA professor Cotton Lindsay, who wrote part of the book and edited it, said studies of national health insurance in Canada and Britain and of some government programs in the United States indicate that a comprehensive national program here would mean "truly staggering" cost escalation, waste and increasing government control.

He said there is little evidence that people in Canada and Britain are in better health as a result of national programs than if alternative health systems were in effect—but the cost is greater and controls and waiting lines for treatment, far greater.

Enthoven said a major reason for cost-escalation here is that health-insurance plans—usually obtained through an employer—don't foster competition between hospitals or doctors to hold costs down, and usually the employee hasn't any choice of plans.

He proposed giving everyone in the country a basic government payment, in the form of a refundable tax credit, to buy health insurance. Employers would be required to offer employees a choice of several plans, all meeting at least minimum benefit standards set by the government.

Recipients would tend to use their government payments to buy the plan that offered the most for the least money. The plans would thus have to compete against one another in efficiency.

In the case of a group health association (HMO), its own doctors and hospitals and administrators would be able to control costs, fees and purchases directly in order to hold costs down.

In the case of a plan in which you choose your own doctor and the insurance company pays part of his fees, Enthoven said, the companies would be impelled by the competition to pressure doctors and hospitals to hold costs down—or even sign them up to work at fixed fees.

The key to the whole scheme, Enthoven said, is giving each person a range of plans, so that he can choose the one that offers the most value. This would foster cost-competition. Universal coverage would be achieved by making everyone eligible for the tax credit.

In addition to paying a large part of the initial costs of an illness, the basic plan would protect the insured against added "catastrophic" costs exceeding perhaps $1,000 a year. (The poor would get extra subsidies to cover this $1,000.)

He gave this illustration: Suppose the government credit is $60 a month. An employer would offer workers Plan A, which costs perhaps $100 in premiums and contains only the basic protection package; Plan B, with somewhat richer benefits but costing $120; Plan C, even richer but $125. The worker would decide which is the best value for him.

Enthoven said plans like this are already working in Oregon, Hawaii and several other locales. Rep. Al Ullman (D-Ore.), chairman of the House Ways and Means Committee, has introduced a version of it in Congress, but President Carter opted against it when he drew up his own national health proposals.●

AMBASSADOR MILTON A. WOLF HONORED

● Mr. GLENN. Mr. President, I call the Senate's attention to a distinct honor recently bestowed on a distinguished American, the U.S. Ambassador to Austria, Milton A. Wolf.

Last Thursday, in Vienna, Austria's President, Dr. Rudolf Kirchschlaeger, awarded Ambassador Wolf that nation's highest honor, the "Great Gold Medal of Honor With Sash" for outstanding service.

I take great pleasure in informing the Senate of this honor for my friend and fellow Ohioan, Milt Wolf, who shortly will be returning to private life. I ask that a dispatch to the Secretary of State announcing the award be printed in the RECORD.

The dispatch follows:

HIGHEST AUSTRIAN DECORATION AWARDED AMBASSADOR MILTON A. WOLF

VIENNA, February 27.—A most distinguished and successful contribution toward the enrichment of Austro-American relations has earned the American Ambassador to Austria, Milton A. Wolf, that nation's highest award. The "Great Gold Medal of Honor With Sash" for outstanding services was presented to Ambassador Wolf today by Austria's President, Dr. Rudolph Kirchschlaeger, in a ceremony conducted in the presidential office in Vienna's famed Hofburg Palace. This distinctive award, Austria's Medal of Honor, is only bestowed upon those very select few whose services to the State are considered exemplary. For more than two and a half years, Ambassador Wolf has used his domestic and international business and academic skills to represent the American people in his daily contacts with government, business cultural and academic leaders. The successful impact of these relationships was recognized by President Kirchschlaeger in making this award. The high honor conferred upon Ambassador Wolf is a signal event, because it has never before been awarded to an Ambassador while still serving in Austria. A national business leader, and well known for his involvement in community and academic affairs in his home city of Cleveland, Ohio, Ambassador Wolf will be returning to private life. He is anxious to re-join his family and look after his personal affairs. The Ambassador is also planning to re-enter academic circles and to work actively in the campaign for President Carter's re-election.●

NURSES

● Mr. DURENBERGER. Mr. President, I request that the article entitled "Why We Don't Have Enough Nurses" be printed in the RECORD. It appeared in the Washington Post on Sunday, March 2, 1980.

The article describes in vivid terms the various forces which have kept our hospitals under-supplied with nursing staff. The problems are not simply those of inadequate numbers of nurses being trained, but are a complex mix of sociologic, personal, and psychological reasons.

I recommend this interesting article to my colleagues and readers of the RECORD.

The article follows:

WHY WE DON'T HAVE ENOUGH NURSES

(By Colman McCarthy)

Sigrid Eriksson, a nurse for 20 years, had the healthiest of reactions when she glanced down to check her notebook. "Nine probable hires," she said happily. "That's really pretty good. If we get only two hires, we've covered expenses."

That was odd talk for a nurse, except that Eriksson's elation came not as she worked in a hospital but as she was winding up her three days at a recent employment convention in a Washington hotel. She was one of two nurse recruiters at the booth (rented for $340) of National Medical Enterprises, a Los Angeles firm that owns and manages some 40 hospitals in six states.

More than 60 other nurse recruiters had come to this job fair, all representing either hospitals or health care companies that are alarmed about—and aggressively taking action against—the chronic and often acute shortage of nurses.

The competition to find nurses is so intense that Nursing Job Fair, a Boston company, had scheduled employment conventions in seven major cities in the first four months of 1980. Each was booked to capacity by recruiters hard on the hunt for nurses.

Or at least nurses who want to work as nurses. Of the country's 1.4 million nurses, according to the American Nursing Association, some 420,000 are inactive. A survey commissioned by HEW projected that in 1982 a need will exist for between 1.2 and 1.6 million working nurses.

Geographically, some areas are more critical than others. Illinois has 106 hospitals that have 1,800 openings for nurses. The National League for Nursing reports that Arizona cannot fill 21 percent of its budgeted nursing slots. In western Tennessee, it is 33 percent, in Texas 14 percent and California 17 percent.

But behind the blacks and whites of the numbers game lie a number of grays that defy easy analysis but which suggest that the profession is currently bedeviled both by the demands of its own members from within and economic and social pressures from without. Some believe that nursing needs only an aspirin; others call for major surgery.

As members of a humanistic profession, nurses work within a natural tension; they are called on as a group to uphold altruistic values while individually each nurse is subjected to authoritarian and economic structures that can have little concern, much less reward, for intangibles like kindness and caring.

Nursing isn't a job; it's a vocation. It is 98 percent female but it is accountable to professionals—doctors and hospital administrators—who are mostly male. Worksite pressures can force the nurse who began as an idealist to burn out and become a mere functionary, ever cautious lest she turn up as the object of incident reports or patient gripes.

These philosophical probings are far from the concerns of the nurse recruiters. Rounding up the workers is their mandate.

Imagination helps. A hospital in Des Moines, having trouble getting nurses to work the 11 p.m.-7 a.m. shift, offered the use of a new car as part of the deal for a one-year contract to work nights.

In a Long Beach, Calif., hospital the problem is not the night shift blues but the daytime gripes: St. Mary's Medical Center has installed what it calls "the job line" by which nurses can phone in their complaints anonymously.

In a Minneapolis hospital, a bounty of $500 is paid any employees who brings in a registered nurse for full-time employment. Other hospitals around the country pay $1,000.

In Palm Springs, Calif., the Desert Hospital has 300 nurses on its current staff. But with a planned expansion from 225 beds to 361 beds, about 30 more nurses are needed. "In order to insure the health and happiness of its nurses," the hospital said in the current issue of Nursing Job News, "an Employe Assistance Program has been created." It "provides counseling services for staff members who may be experiencing personal problems, such as financial difficulties, marital discord, alcoholism or substance abuse."

Even with new cars, job lines and perks, one fact remains: Nursing is hard work, often wearying and usually poorly paid. The average national salary for full-time working nurses is $6.78 an hour, which in many areas is about the same wages as supermarket checkout clerks. Women dockworkers, unloading crates of bananas on the New York waterfront, earn $10.40 an hour.

Although only some 15 percent of America's nurses are unionized, RN magazines reported last month that "full-time" general duty nurses who are covered by AFL-CIO, Teamsters, state and federal employes union or other nonprofessional association contracts earn, on average, nearly 20 percent more than the mean for all full-time general duty nurses." Nurses working in private, for-profit hospitals receive salaries 2 percent below the mean.

A generation ago, nurses were thinking less about their low pay. The career alternatives were few. "For many young women," says Charlene Dean of the nurse recruitment office of Johns Hopkins Hospital in Baltimore, "it was pretty much a choice of one of the big three: nurse, teacher or secretary. But now it's changed. Just look at affirmative action. Women can get preferential treatment for mid-management positions in any number of industries that were once closed to them. And they start off with better salaries than a lot of nurses are making after 10 years in the hospital.'

At the same time that nurses are making only the faintest progress financially—while toiling next to physicians whose average income is $65,000—it appears also that they are working harder. Constance Holleran, a nurse and a lobbyist for the American Nursing Association, believes that "the demand on nurses has increased because of the changing nature of health care. People are in and out of the hospital so much faster today that the patients, while in the hospital, require more intensive nursing care. In the past, where one nurse might have had eight to 10 patients, she now has two or three—but who are very sick. Thus, throughout the hospital, you have the same number of patients but they are sicker. And the nurse must work harder."

As members of one of the traditional "women's professions," nurses are finding that suddenly both the definition and image of their work is changing.

The turf problem is the most obvious. The nurse of 1980 has moved into diagnostic, treatment and prescribing territories that were far off limits to the nurse of only 1960. She has also left behind, or is proudly walking around, much of the menial.

Susan Sparks Le Duc, in an aptly titled article, "We've Been Put Down Long

Enough!" in a recent issue of RN magazine, described an incident in a pediatric unit: "A doctor walked rapidly up to the nurses' station and proclaimed that a boy on the unit 'needed a nurse.' The nurse dropped what she was doing and went to the youngster, only to discover that what he needed was a diaper change."

State legislatures cannot protect nurses against their being treated as cleanup crews by doctors, but medical practice laws have been changed in nearly 40 states in the past 10 years in ways that give expanded medical authority and responsibility to nurses.

What the legislatures don't give, many nurses are ready to take for themselves. Nurses of 20 or 30 years' experience tell of the days when they were seen as whitened angels fluttering at the feet of doctors playing God. If the diety entered the room, a nurse would instinctively rise and offer her chair. Today nurses not only stay put but they might be sitting there thinking about the best approach to take when they next witness a doctor giving incorrect or unethical medical treatment.

Occasionally, a nurse comes along who can take no more of the structure but who still loves her vocation, and refuses to leave it. Since 1971, Lucille Kinlein has seen 1,700 patients in her Hyattsville, Md., office. She practices nursing, not medicine. "Organized nursing and most nurses," she argues, "have chosen to remain under the mantle of medicine, with three results: One, achievement of professional status in the field is impossible. Two, the professionally oriented nurse cannot find fulfillment. Three, the public is deprived of a much needed and different kind of care."

In "Nurse," a best-seller about a big-city general hospital, Peggy Anderson summarizes what is happening: "Many nurses want to bring their own intelligence to the job and are becoming aggressive about doing so. A lot of our time is still spent carrying out orders written by doctors. But more and more often nurses are questioning those orders. Questioning is considered good nursing judgment. So is making suggestions to doctors about things that might help patients. So is refusing to carry out an order you disagree with, so long as you do it according to established procedures. I think a nurse must make decisions that affect what she's doing. If she's a robot, she's nothing."

Superficially, this thinking appears to be the early restiveness that will soon erupt into a rebellion against the doctors. In reality, it is an overdue move toward professional independence that separates medical diagnosis and care from nursing diagnosis and care, the two intended to create harmony, not opposition.

This isn't mere theory. It is working in routine ways. A Washington-area physician, who has a high-volume office practice and employs eight full-time nurses, says that "90 percent of what I know and what I can do my nurses know and can do also. I have trained them in patient education, which is the key to sound medical practice. Even if I spend only five minutes with a patient in my office, my nurse can spend up to an hour afterwards. I make it a practice that no patient leaves my office without a chance to know as much about their disease as they desire. If they are still unhappy, I schedule them to come back early in the morning when I will give them all the time they want. The nurse that runs my office knows more about the mechanics of the specialty than most of the physicians in practice. Remember, she works with these problems every day and is experienced in both the side effects and benefits of the medications used."

However much this doctor's enlightenment creates an independent professional function for nurses, the handmaiden image still persists throughout all of medicine. A survey by RN magazine noted that "three out of four doctors regard nurses as their assistants—and nothing more." The editors concluded that for nurses who care about "professional identity, this has got to be a fairly depressing statistic."

Another downer in the survey is that "more than 78 percent of the MDs believe nurses already have enough say in patient care, and close to another 10 percent feel they have too much authority already."

One of the most dramatic moves for independence is in the growth of supplemental personnel services. These are independent firms that allow nurses to choose if, when and where they work. The hospitals pay the firms and the latter pay the nurses.

Hospital administrators grumble about the supplementals, as do others in organizational settings. "These days," said one director of nursing at a local hospital, "everyone wants to work days, Monday through Friday. I have no shortage of nurses for those shifts. I run low in filling up nights, weekends and holidays."

Shift rotations may be health hazards in themselves. A 30-month study sponsored by the National Institute for Occupational Safety and Health found that rotation "imposes excessive physical and psychological costs on shift workers."

In Washington, lobbying groups like the American Nursing Association have their own struggles. In late 1978, President Carter pocket-vetoed the Nurse Training Act, a decision that meant a severe cutback in grants, loans and training aid programs. The administration argued that two decades' worth of federal aid had already gone to nursing schools and that the problem now was less in the shortage of nurses than in their retention.

Henry A. Foley, head of the Health Resources Administration, says there is no evidence that "we are suffering from a lack of production [of nurses]. We are just not holding them in the hospital setting once they are produced." Three problems still remain, Foley argues: low wages, inadequate training and sagging morale.

Budget fights are popular in Washington because an illusion of simplicity is created. Regarding nurses, both sides are right. Sen. Richard Schweiker (R-Pa.) had the facts with him when he told Foley during recent hearings that nurses laugh at the administration's health policy in nursing. "There isn't a hospital I go to that doesn't laugh at it and wonder what's wrong." And Foley is on firm ground when he says that "There's no evidence that if we keep producing nurses in the old way that they will stay in the profession. We have to be concerned about sitting down with nurses and hospitals and figuring out—together—ways to provide incentives for nurses to stay in the workforce."

The traditional out for this impasse is to summon a commission for "a study." That's what Congress did, with the interim findings due next fall. Or winter. Or spring.

Until a coming together of all interests occurs, nursing is likely to be trammeled by one "no" after another: no to legislation for training funds, no to wage increases that might keep nurses from leaving to become real estate brokers, no to younger nurses asking for professional independence, no to union organizing, no to the movement that wants to shed the image of nurses as women who couldn't make it through college.

Into this vacuum of negativism, a few yeses are needed. Despite their being the largest part of the health care industry, nurses are probably the least difficult group to deal with. Large numbers of them are idealists.

Without some immediate and strong attention from outside the profession—from physicians, administrators, politicians and bureaucrats—nurses are likely to be forced more and more to treat their ailing craft rather than the ailing patient.●

THE CIA

● Mr. BAYH. Mr. President, on February 16, it was my privilege to host a meeting in Indianapolis with Adm. Stansfield Turner, Director of Central Intelligence, whose visit to Indiana was also sponsored by 14 veterans groups and military organizations. At that time, Admiral Turner delievered an address to about 350 people who had braved the results of a winter storm the night before to join us at the Airport Sheraton. I know those who were on hand were vitally concerned about this Nation's ability to have the best intelligence in the world. As the chairman of the Select Committee on Intelligence, it has been a unique challenge to work toward this end and it was extremely rewarding to realize the depth of concern about this vital aspect of our national security indicated by those I represent. The Indiana groups who joined in sponsorship of the event were as follows:

American Legion.
Veterans of Foreign Wars.
AMVETS.
Disabled American Veterans.
Navy League of Indiana.
Marine Corps League of Indiana.
The National Guard Association of Indiana.
Navy Club of the U.S.A.
Reserve Officers Association.
The Retired Officers Association.
Veterans of World War I.
Air Force Association of Indiana.
The Service Club of Indianapolis.
Civil Defense Council of Indiana.

In addition, I also express my appreciation to Mr. Lewis Lundberg, president of the Navy League, and Mrs. Arlene Hicks who is the president of the Indiana Auxiliary of the American Legion for their formal participation in the program.

Because so many of those attending Admiral Turner's speech were interested in receiving a copy of his remarks, I also at this point ask that it be printed in the RECORD.

The remarks follow:

ADMIRAL STANSFIELD TURNER'S ADDRESS TO INDIANAPOLIS VETERAN GROUPS

Thank you Senator Bayh. Thank you all for being here on this glorious, sunny, Indiana afternoon. As a fellow midwesterner, I always enjoy coming back to this part of the country. We who live and work in Washington sometimes begin to believe that everything written on the Eastern shore is true, and representative of the opinion in the rest of the country. In fact, it frequently is not. Consequently, it is a wonderful opportunity for me to have this chance to be with you and to tell you a little about the trends in intelligence activities today. Then I would be happy to respond to your questions and, hopefully, hear your ideas, suggestions and other thoughts about what we are doing or should be doing.

Over the past five years, the institution of American intelligence, particularly the Central Intelligence Agency, has undergone more public scrutiny than any intelligence organization in history. That it has survived so well this fundamental shake-up and overall public review is a tribute to the high quality men and women who constitute that

community. It is also to the great credit of your senior Senator, Birch Bayh, that the Congress has played such a constructive and helpful role in bringing the American intelligence world back into balance. Senator Bayh served on the Senate Select Committee on Intelligence in the 95th Congress and now, in the 96th Congress, he is that Committee's chairman. He is a strong and enlightened leader; one on whom I can depend to have done his homework, to ask piercing questions, and always to support what is best for the national security. I will say more a little later about the role of the Senator's committee and how important it is to us.

Let me go back to the issue of public scrutiny and the fundamental problem that past investigations have created. The problem is one of exacerbating the already difficult job of keeping secrets in the atmosphere of openness and inquiry which exists today.

The CIA is and should be the most secretive organization in our government. The fact that it has been opened to the public to the extent that it has, has been traumatic for those in intelligence. It has damaged morale. The typical intelligence officer, for example, feels that he is performing a difficult but a patriotic task which often requires great sacrifice on his part and on the part of his family. When he sees what he does in good conscience exposed, increasing the risks he must take, and is criticized in the public media, he can reasonably feel that the country neither understands nor appreciates the sacrifices he is making. That is a tragedy, because I can assure you that the intelligence professionals this country is privileged to have are totally dedicated to you and to our country.

Public exposure also makes our job much more difficult. When adequate secrecy cannot be guaranteed, foreigners who spy on our behalf and the intelligence services of foreign governments which complement ours are much less willing to do so. I need not emphasize to this audience of individuals, who have dedicated themselves to the patriotic support of our country, that we simply must be able to collect good information about what is going on in the rest of the world if the United States is to have a sound and sensible foreign policy.

The world we live in is not the ideal world which we would like. More societies than not are closed and totalitarian. Not all countries are willing to tell us what they plan to do in advance of doing it, even if what they do may affect United States interests adversely. Look, for instance, at the the hostage situation in Iran; at the Soviet invasion of Afghanistan. Events all around the world confirm that, while we have always needed good intelligence, today we need it more than ever before.

Thirty-two years ago, when the Central Intelligence Agency was founded, we were the predominant military power in the world. We were independent economically and many, if not most, of the free nations of the world took their political cues from us. How different is today's world. We are one of several interdependent economic powers. We do not dominate the world's political scene. Small nations and large are activist and independent. We are much closer to military parity. In these circumstances, the leverage of knowing what is going on in the rest of the world is much more important than it ever was in the days of our economic, political and military superiority.

But, if we are to have good intelligence, we must also be able to keep national secrets. How then do we resolve the contradiction between this need for secrecy and the danger of any secrecy in a democratic society? Secrecy can lead to unidentifiable power. Power of any type can be abused, but unidentified power has a particular potential for abuse. How then can we provide our country with good intelligence and at the same time insure against abuse? On the one hand, we could underreact. We could simply assume that the relatively limited number of abuses of the past will not be repeated because different people are in government and because we are more conscious of the problem. On the other hand, we could overreact and apply such stringent controls on the intelligence process that we would handcuff ourselves out of business. Either course would be shortsighted.

We need to achieve a balance. The best way to achieve that balance is through a system of accountability. Accountability to the Legislative Branch of our Government, accountability to the Executive Branch, and even accountability directly to the American public. We have found that we can do this, and that we can do it in ways that will not diminish our necessary capabilities.

Let me first describe how we now account to you, the American public, directly. In the past, very little of what we did was ever made known to the public. So, public accountability was impossible. That is no longer the case. The public investigations, the Freedom of Information Act, the perseverance of the American press have all made American intelligence much more accessible to the public. In addition, for the past several years we have carried out a deliberate policy of being more open. We publish more, share more of the studies and estimates that we do whenever that can be done in unclassified form and without jeopardizing security. My presence here with you today, something that might not have been possible four or five years ago, is another earnest of our desire to keep the public as well as informed as we can.

But because we cannot share everything directly with the public, we have constructed two systems of surrogates for the public in overseeing intelligence activities. One is a series of accountability mechanisms in the Executive Branch. Let me initially focus on those involving the presidency.

First, the President has the Intelligence Oversight Board composed of three non-government members who investigate any allegations of wrong doing or abuse which anyone may present to them. This Board then reports directly to the President. Second, the President is informed of sensitive intelligence activities, and personally signs an approval for any covert action activity that we are directed to undertake. Finally, President Carter has strongly supported the concept that Congress be well-informed about our activities so that it too can carry out its oversight responsibilities. This attitude is vital to the whole process of accountability.

The other accountability surrogate is the Congress. Sometimes people are skeptical here, feeling that the record of the Congress is no better than that of the Executive Branch in overseeing intelligence activities. Yet the Congress is elected separately from the Executive and operates independently of the Executive, therefore provides a wholly separate check on our activities.

Being accountable to two branches of government provides, I believe, a reinforcing assurance. There are two committees in the Congress, one in each chamber, dedicated exclusively to this oversight task. One is the Senate Select Committee on Intelligence which Senator Bayh chairs. I assure you we are open and forthcoming with the Senator and his colleagues. I can assure you also that Senator Bayh and the members of his committee are probing and thorough in their review of our activities. Their questioning and their guidance, both in advice and in law, are indeed very helpful to us. After all, accountability that is exercised properly is healthy for any organization.

Accountability must also be internal. It must ultimately start and end with the people who do the intelligence work. Under the President's mandate, I have reorganized the CIA and the staff that guides the overall intelligence community to strengthen them and to assure improved control. Policy has been reshaped to conform with the changed national environment, the need for more vigorous oversight, and the demands of new intelligence requirements. Steps were taken, such as the well-publicized and often criticized reductions in personnel, to improve our personnel management. The objective was to invigorate the organization, to preserve the dynamism and challenge which have always attracted to the Central Intelligence Agency the best talent that this country has to offer. Rather than purging the Agency of its ablest and best, as some allege, this personnel reduction has opened the top of the organization to new ideas, to greater flexibility, and to a heightened sensitivity to the changed world in which we must operate. Plenty of able and experienced hands remain to lead the young chargers, I assure you.

Having laid out for you the fundamentals of ensuring accountability, the next logical question is, what has that done to our capabilities? Does the necessary balance exist between accountability and our capabilities to produce effective intelligence?

In his State of the Union address just a few weeks ago, President Carter said:

"Clear and quick passage of a new charter to define the legal authority and accountability of our intelligence agencies is necessary. We will guarantee that abuses do not reoccur, but we must tighten our controls on sensitive intelligence information and we need to remove unwarranted restraints on America's ability to collect intelligence."

This statement recognizes the fulfillment of the President's commitment to intelligence reform.

The charter he is asking the Congress to enact will do three things. It will delineate what our authorities are, what we are authorized to do. It will delineate what restrictions are placed on us, what we may not do. And, it will codify the oversight process which will check on how well we are using the authority we are given and whether we are exceeding or ignoring the restrictions and the prohibitions that have been laid out.

Senator Bayh and his committee are blazing the trail in this regard. Last week they introduced charter legislation to the Congress. We all hope very much the Congress will act on this charter during the forthcoming session.

It is precisely because this system of authorizations, restrictions, and oversight procedures has proven so successful in the last few years that the President and the Congress can now contemplate lifting some of restraints on intelligence activities. Frankly, following the investigations of 1975 and 1976, the government went a little overboard in restricting intelligence agencies. From the point of view of many, this was necessary since adequate oversight and control mechanisms did not then exist. Today they do. Now there will be no danger in lifting some of those shackles that disadvantage American intelligence activities.

Let me cite four examples for you. First is the Hughes-Ryan Amendment. This Amendment requires that whenever we undertake a covert action we report it to as many as eight committees of the Congress. Reducing that reporting requirement to the two intelligence oversight committees would greatly diminish the risk of leaks, which could endanger lives, without diminishing Congressional oversight.

Second is the Freedom of Information Act. This Act requires that, for every request for information we receive, we must search all of the CIA's files, including those which contain information about our most sensitive sources. Limiting that review primarily to finished intelligence from which the source

information has been removed would go far to reassure important sources overseas that there is no chance of a deliberate or inadvertant release of information which could compromise them. Without this reassurance, they are becoming increasingly reluctant to cooperate with us because they fear their identities may become known.

Third, the discovery process in courts of law can require us to reveal more sensitive, classified information in open court to prosecute an alleged espionage case than was compromised in the first place by the accused. Often, rather than do this the government will drop the case. This is called graymail. It could be avoided if we legislate some protective rules which govern the use of classified information in espionage and other criminal cases.

Finally, we do not have adequate legislation today to deal with those few scurrilous people who deliberately disclose the names of CIA officers, agents overseas, informants and other sources of information.

Legislation for all four of these problems is either incorporated in the charters or is tabled before the Congress. We are very hopeful of their support in these directions in these next few months.

In conclusion, let me say that intelligence reform has taken place. American intelligence services operate under the informed control of the Executive and the Legislative Branches. No one is proposing today that, in lifting these restrictions, that be changed. However, we are moving today closer to the enactment of a permanent charter which will formally legislate the authority and the limits of our country's intelligence activities. The moment is right not only to reassure ourselves that the safeguards of our Constitutional rights and our civil liberties are firmly in place, but also to assure that we have balanced those guarantees against the practical imperative of maintaining the best intelligence arm of which we are capable.

It is not a perfect world. It is not an open world. It is a world in which we must balance idealism and reality. We must be sure that the check of accountability encourages idealism. We must also be sure that the check of accountability is made sufficiently flexible so that idealism can be tempered with realism. We are not there yet but we are moving strongly in the right direction. It is an exciting period, an important period in American intelligence. A period where we are, in effect, evolving a new, uniquely American model of intelligence; one tailored to the values and standards of our society, yet, one which is also designed to ensure that we remain exactly what we are today, the number one intelligence service in the world. Thank you very much.●

HOSPITAL COSTS

● Mr. DURENBERGER. Mr. President, I request that an article which appeared in the Washington Post on Sunday, March 2, titled "Using Hospitals Right Will Bring Down Cost," by Henry Fairlie, be submitted to the RECORD.

The article describes in a wry and amusing way the experience of one reporter with hospitalization. It points out that as patients and potential patients we all have to reassess our own expectations of hospitals and the medical care delivery system overall.

Specifically, the article points out that we cannot buy health even with all the money in the world. As long as we expect "to be made whole and rejuvenated" we are bound to have unfulfilled expectations. Mr. Fairlie points out that "It is our own attitudes to health and ill health that need revising."

It is this sort of enlightened thinking about the place of hospitals and their true potential, as opposed to the unrealistic expectations we may have of them, that should be added to our ongoing considerations of health care costs.

I recommend the article for consideration by my colleagues.

The article follows:

[From the Washington Post, Mar. 2, 1980]

USING HOSPITALS RIGHT WILL BRING DOWN COSTS

(By Henry Fairlie)

As I was driven to the hospital not at all confident about my future, and feeling more ready for the scrap heap, I said to the friend who was driving me, "There is one thing about being a journalist at moments like this: We always find something to write about whatever happens to us."

"You mean that we use it as a form of transcendence," said my friend. (He is a literary critic, and can be relied on to dignify my most commonplace ideas with words like that; he probably uses them at breakfast.)

The longer I lay in the hospital, which is a fresh experience for me, the more I thought of what we had said. Our point can be made of others than journalists. A watchful and detached curiosity about what is going on around one is an inexhaustible resource on which to draw to avoid dwelling on one's own wretched condition. There is in the hospital a cosmos to watch. One has only to use one's eyes and ears, and quickly one is taken out of oneself.

I watched and listened to the other patients—especially to the five who, one after the other, occupied the second bed in my room—and it was disturbing how few of them have this resource.

This is not their fault. They simply have not been reared to be curious. They are not really interested in the world except in how they are affected by it, and so grow only more absorbed in themselves. What is other than them is strange and frightening. Just as outside they feel at the mercy of the big bureaucracies, public and private, so now they feel at the mercy of the hospital which is caring for them. Much that happens to them is just not understandable. These people are in fact deprived.

What is most distressing of all to see, they feel at the mercy even of their own ill health. It is a wonder that they are not more superstitious and paranoid than they are, like the man in the bed opposite me who believed that every hospital was torturing him. Yet now he wanted to go to Johns Hopkins.

In fact, I became more and more convinced that, in this age of reason and science, we have all become superstitious about our health. We are so convinced that we should all be wondrously well at the time that we are no longer able to think of ill health as normal. This determines what we expect of our medicine. We increasingly expect our physicians to be not healers but witch doctors. We look to our hospitals not for treatment but for exorcism. There is no cost we will not pay to have the devil thrown out.

Many suits for malpractice may be brought only by the greedy, not least by the lawyers today who are no better than the ambulance chasers in the past, but the awards of the courts reflect our superstition.

But there is another effect. As a friend who visited me in the hospital put it, we have all been made to feel guilty about ill health. There is so much emphasis today on what I can only describe as violent good health that we are marked down as backsliders if we happen to be ill. Again we do not go to a hospital to be made better, we go to have the devil cast out and be made perfect.

Hospital costs are determined largely by our own expectations. We think that our doctors should have the royal touch. We lie under the huge and expensive machines, but what we are really looking for is a laying on of hands.

Two of my roommates were sent home after a brief stay. Two were whisked away, both in the dead of night, to the intensive care unit. How quickly one's attention is diverted to the new arrival in the bed opposite. One is naturally assuming the importance of the hospital itself. The bed is stripped and remade, within an hour or two the new occupant is wheeled in, the memory of the first is erased. He might almost have never been there.

Only an enthusiastic nurse asked one morning after one of the patients who had disappeared during the night. Her inquiry was considerate, but it seemed out of place. She will learn.

The routine of a hospital has much to teach, not only to a big bureaucracy like the telephone company, but also to us who are often so impatient with routine. But the routine of a hospital is predictable so that it may deal with the unpredictable. It gears itself to an emergency, not by a flurry of improvisation, but by still following the rules.

We are too suspicious these days of routine, thinking that if we are treated uniformly it must be impersonally, that we have been reduced to mere units. It is important to see how in a vast organization it is the routine which makes possible any individual attention at all. It is often not the routine of a bureaucracy of which we should complain, but the lack of routine which enables it to change step in an orderly way.

A patient's bed in a good hospital today is like the bridge of an ocean liner, with the battery of equipment and sockets and dials. When one presses one's button, one knows that the ship will respond.

An inefficient bureaucracy must depend on the exceptional willingness of some member of its staff; the routine of a hospital makes one member of its staff as dependably willing as the other. Whenever I felt the need of some attention in the hospital, I knew that it would come and come promptly, not because one nurse or doctor was unusually caring, but because the routine enables them all to be caring.

It may be said that I was fortunate to be in a good teaching hospital in Washington. When I was praising the nurses, one of the doctors said as much. I should go and look at some of the other hospitals in the area (he mentioned two by name). At first one thinks that this means only that the funds available for hospital care are inadequate and unevenly distributed. But it is more difficult than that.

As one who has an egalitarian impulse in my blood, I often sadly wonder if there is not a limit to providing a good education to all, simply because there are not many potentially good teachers to be found. How many good doctors and nurses are undiscovered?

As I watched them in Georgetown University Hospital, much of their efficiency and ability and willingness to care was obviously due to their training, but all of them also seemed to be moved by a spark of their own. The nurses could all have been highly paid receptionists in a lawyer's office, but it was not just imagination to detect in them also a sense of calling. Are there all that many who have it?

A thought slid through my mind. The nurses are still called nurses. They have not asked to be known as medical assistants.

Their pride is in what they do. They nurse. They do not need a fancy name.

Then the doctors, the old and the young. We read so much these days of malpractice and misconduct and mismanagement that we forget the skill and dedication of most of the physicians and surgeons in a hospital. There may be doctors who deserve our criticisms, especially among those in private practice. But not here, by and large, not in the hospital. At least not in this hospital.

With what infinite patience they explain one's illness, trying to gain the cooperation of the patient, without which even their skills cannot do their good. They seem to have all the time in the world, until they scurry to the next patient.

One can measure the depth of concern in what they do by the admiration with which the young doctors talk of the skill and involvement of some of their elders. The head of the department of cardiology at Georgetown, Dr. Proctor Harvey, was described to me as one of the deans of cardiology in America. The man is a born teacher. He cannot stop teaching. He talked to me as if I were a pupil. His actual pupils talk of him with affectionate awe.

On Thursday evenings he conducts a seminar for all the cardiologists in the area, so that they may present and discuss any interesting new case. Late on a Thursday evening after a full day in hospital, 90 cardiologists gather in an auditorium to discuss and learn.

I am used to cardiologists jumping with excitement when they listen to my heart. Aha! what a specimen. I always have to put up with a trail of students who come to examine me. At one moment I rebelled. One of the young doctors whom I had already marked down as officiously no good asked to take a rectal examination at 8:30 p.m. "Why are you the only doctor," I asked "who wants to take a rectal examination at 8.30?" He suggested that I should do the thing myself and I never saw him again.

But Dr. Harvey was teaching and most of the students were practicing what I had first observed in a great cardiologist in London. "Use your fingers and your ears; and use also your eyes," he added. "You can learn a lot just by looking," and he pointed out some irregular movement in my neck. For all the machines now available, it is the fingers which as a patient I trust.

You can go through the extraordinary operation of a cardiac catheterization, when they feed wires into one's arteries in one's groin, and then one can eerily watch them fish about one's heart. But the next morning it is most reassuring to feel the fingers again, and it is with a final use of the fingers and ears that one is sent home. In the hospital at least, man is still in charge of his machines.

It is no wonder that Plato so often takes medicine as the example of an education in something like an art, and again I wondered how many there are who could benefit from and then use the training in such skills.

It is also no wonder that hospital care is expensive. The machines are massive and numerous and costly, but they are not frills, and it is not they which are the main source of the expense. We are paying for the individual attention of skills which are the result of not only a complicated but a lifelong training, just as the established cardiologists still give up a Thursday evening to go on educating themselves. We are paying for a training more elaborate than that of lawyers, yet complain more of health than of legal costs.

The only way to bring down the costs of health care is for us to use our hospitals more intelligently. There are malingerers among the patients in a hospital, and costly they are, but they are not as costly as our own expectations of a hospital.

If we were satisfied with the real but limited benefits of healing, and did not expect to be made whole and rejuvenated, we would significantly reduce the costs of health care in a trice. It is our own attitudes to health and ill health that need revising. The more advances there are in medical science, the more superstitious we get of what it should do, for we really do expect miracles of it.

When one is lying under one of those great machines, it brings one down with a bump to look at the names of the manufacturers, such domesticated names as General Electric and Sanyo, and think of how one's dishwasher and television set work at home. One stops expecting a miracle.

As I watched it seemed that much of what we now expect of our medicine is really no more than cosmetic.●

SENATOR CRANSTON ADDRESSES THE VFW

● Mr. TALMADGE. Mr. President, on Sunday, my good friend and colleague, the Senator from California (Mr. CRANSTON), who serves as the Chairman of the Committee on Veterans' Affairs, on which I am privileged to sit, addressed the Veterans' of Foreign Wars' National Legislative Committee meeting at the organization's Washington Conference of National Officers and Department Commanders. During the course of his presentation, Chairman CRANSTON made a number of very timely and incisive points about the current status of veterans affairs, especially about health care for our Nation's veterans' through the Veterans' Administration's health-care system. I believe the distinguished chairman's remarks deserve wide circulation. I, therefore, ask unanimous consent that the full text of his remarks appear in the RECORD at the conclusion of my statement.

Although those of us actively interested in veterans' matters appreciate the fact that concerns about veterans' benefits and services are ultimately concerns about national defense, I am not certain that this is widely understood. I believe that Senator CRANSTON's views on this point are compelling, especially now when events around the globe have given new urgency to questions about our national defense capabilities. If we ever break faith with those brave men and women who answered their country's call for service in the past, it will prove a difficult, if not impossible, task to recruit new members of our Armed Forces.

Mr. President, there is another point in Senator CRANSTON's remarks to the VFW that I want to highlight—namely, his discussion about the relationship between the VA health-care system and any proposal for a national health plan. I am in absolute agreement with Senator CRANSTON's position that the VA must continue as a strong and independent entity. It must be ready and able to meet the health-care needs of our veterans, and it must be free from any control or interference from the Department of Health, Education, and Welfare or any other Federal agency or entity. I wholeheartedly support the chairman's position in this regard and will work with him to assure that any legislation considered by the Senate on national health care recognizes, respects, and explicitly preserves the independence of the VA's health-care system.

Mr. President, I commend Senator CRANSTON's views on veterans affairs, as expressed to the VFW National Legislative Committee, to all of our colleagues and to our fellow Americans, and I submit his remarks for the RECORD.

The remarks follow:

ADDRESS OF SENATOR CRANSTON

It is indeed a pleasure to be with you today.

I'm grateful for this opportunity to work with your national officers, your legislative policy makers, and staff to achieve a successful national legislative committee meeting.

To each and all of you I extend warm greetings from all the members of the Senate Veterans' Affairs Committee. We are looking forward to our Committee's hearing on Tuesday when you will present your legislative program and priorities for 1980. I also want to take this opportunity to say how pleased I am that the Committee has such a good rapport with your Washington office staff—Cooper Holt, Don Schwab, and others—and your Commander-in-Chief, Howard Vander Clute, and National Legislative Committee Chairman, Ted Connell. They do a most effective job representing you.

You are all to be congratulated on a job well done in fullfilling your commitment to safeguard the rights of our Nation's veterans.

I am also particularly pleased to share the podium of this great organization with the Chairman of the House Committee on Veterans' Affairs, the Honorable Ray Roberts.

My relationship with Ray Roberts has been as effective as my relationship was with our most highly honored and very dear friend Tiger Teague. Ray Roberts' announcement of his retirement at the end of this Congress comes as a blow to all veterans and a real, personal loss to me. But, he has our deepest gratitude and I know he wants us to carry on the excellent cooperative relationship between the House and Senate Committees on Veterans' Affairs.

You have my pledge today to do everything in my power to see that we do. What's right and fair for veterans has never been a divisive matter; it has never been a partisan matter; and it's never been a cause for contention between the two Houses of Congress. We are all in this effort as equal partners.

We all know that the Veterans for Foreign Wars is a fighting organization. You have fought in the past to protect this Nation from its enemies. You are fighting now to keep the Nation strong and to defend America's honorable commitments to those who have borne the battle, to their families, and to their survivors.

I long ago enlisted in this cause. And I am telling you today that we are going to win. I also want to tell you today that there has never been a more clear connection between the strength of our defenses and the way we treat the veterans of this Nation's wars.

VETERANS' BENEFITS IN THE 95TH AND 96TH CONGRESSES

As we meet today, we are past the halfway mark in the 96th Congress. The first session of this Congress was a good year for the 30 million veterans of this nation—a good year made better by the vigorous and effective participation of the Veterans of Foreign Wars.

In the past year, and in the preceding Congress—the 95th—, your organization has worked together with the Senate Committee and with the House Committee so ably led by my good friend, Ray Roberts. Together we have accomplished many things. We have helped disabled veterans and their surviving spouses and children by providing three consecutive cost-of-living increases for VA compensation beneficiaries—a 9.9-percent in-

crease for the current fiscal year, and we also have expanded and improved both the disability compensation program and dependency and indemnity compensation program. We have improved the Veterans' Administration pension program for veterans and their survivors. Working together, we have expanded education benefits, housing assistance, and burial payments for veterans and their survivors.

In this session, the Senate has passed major GI Bill legislation, including provisions to extend eligibility for certain educationally disadvantaged and unemployed veterans and to provide for a 15-percent cost-of-living increase this year for veterans using the GI Bill to get an education or job training. For both of those provisions, I had your active support, and for that I am very grateful. You were the only major veterans organization to support the targeted delimiting date extension, and your strong support was indispensable to our success.

Yes, the list of our cooperative accomplishments is long and also relates to the VA hospital system, which I will discuss in a few minutes. But, first, I want to mention one more accomplishment specifically because I sincerely believe that it represents a major milestone of great importance to veterans.

This past year the Senate passed landmark legislation to give veterans the right to seek court review of claims for benefits when the VA decides a case against a veteran.

Right now, as you know, the VA is virtually alone among Federal agencies in that its rulings on claims for benefits are immune from review in a court of law.

The VFW knows that such things as compensation and pension benefits, education assistance, and VA medical care are matters of fundamental justice to veterans.

Your organization knows that the absence of judicial review in the VA is basically unfair to veterans. Last year the VFW again stood tall among major veterans' organizations by backing our efforts in the Senate to pass the Veterans' Administration Adjudication Procedure and Judicial Review Act, S. 330.

With your considerable help, that bill passed the Senate. I am hopeful that the House will give this important bill favorable consideration.

VA HEALTH-CARE STAFFING

I now want to turn to another matter of urgent importance to all of us—VA medical care.

The effective teamwork that Ray Roberts and I enjoy with the VFW and the other veterans' organizations was center stage last October and we joined forces to investigate the current status of the veterans' health-care system.

We set out together to probe allegations that the VA is not fulfilling its responsibility to provide prompt and efficient medical treatment to eligible veterans.

We wanted to air charges that fiscal cuts and personnel ceiling reductions—forced on the VA by the Office of Management and Budget—were undermining the effectiveness of the VA medical-care system.

We were especially interested in exploring complaints that some veterans face long delays in receiving treatment and in some cases have been turned away from VA facilities.

Sitting as a Joint Committee, Senators and members of the House heard from a wide range of witnesses on this all-important issue. Your National Commander-in-Chief; Howard Vander Clute, gave us especially forceful and eye-opening testimony.

To address the problems raised at that hearing, we set in motion corrective actions for the problems that beset the system.

First, in the appropriations process, fiscal year 1980 funding was provided for 3,800 health-care employees above the Administration's original request. This was necessary to help restore personnel cuts that were made in 1979 and planned for fiscal year 1980.

Ray Roberts and I, together with other members of both Veterans' Affairs Committees—with strong help from the VFW—led the fight in Congress to get those funds appropriated and to assure that the funds were clearly earmarked for health-care staffing.

Next, we won a major battle to guarantee, by law, that funds for VA medical personnel positions will never again be waylaid and diverted and spent for other purposes, as they have in the past.

With your help, Public Law 96-151, the Veterans Health Programs Extension and Improvement Act of 1979, was signed into law by President Carter last December 20.

One part of this new law requires the Director of the Office of Management and Budget each year to provide the VA with the personnel positions and funding for the health-care staffing for which the Congress has appropriated funds.

This new law also mandates the Director of OMB to certify to the Congress quarterly that he has complied with this requirement and the Comptroller General must review that certification and tell us whether OMB has in fact complied.

Because of these actions, combined with our persistent prodding of the Executive Branch for the swiftest possible action to allocate and use the staff positions that Congress authorized, the VA received full health-care personnel authority virtually as soon as the appropriations bill was signed into law so it could begin its hiring efforts immediately. As of a month ago, the VA had filled 80 percent of the new positions, and it is working on a priority basis to fill the rest.

In the course of the joint hearings and followup, we also learned of other problems hampering the VA's efforts to provide quality health care.

The October hearings confirmed the need to provide a permanent special pay program—replacing the now out-dated, stop-gap legislation under which the VA has been operating for five years.

This is needed to help the VA in recruiting and retaining quality physicians and dentists.

The hearings also pointed out the need to make other legislataive changes to help the VA overcome difficulties it is having in hiring and keeping other direct patient-care personnel, particularly nursing staff.

I will soon introduce legislation to develop permanent solutions to those VA health-care staff recruitment and retention problems.

I look forward to support from the VFW in enacting a permanent special pay measure to improve care for eligible veterans. I know I will have that support. This is a major problem that must be remedied.

VA REHABILITATION PROGRAM FOR SERVICE-CONNECTED DISABLED VETERANS

A few weeks ago I introduced legislation to make comprehensive improvement, expansion, and modernization of the VA's rehabilitation programs for service-connected disabled veterans. The basic structure of the VA's current vocational rehabilitation program was established in 1943.

In light of the great changes that have occurred since 1943 in rehabilitation concepts and in the roles of serious handicapped individuals in our society, I am extremely pleased that we are moving forward with this legislation.

The Committee will mark-up this legislation later this month. Ray Roberts and I are both committed to enacting this year the best possible legislation that we can design in this important area. At the hearing on my legislation last Thursday, the VFW voiced its strong support for it. I thank you for that.

The Veterans of Foreign Wars can be assured that, on all issues involving veterans benefits and services, the Senate Committee will act this year to preserve the gains made in the past and to make improvements needed now and in the future.

You have my word on that. There must be no retreat in the service to veterans, no decline.

VA INDEPENDENCE IN NATIONAL HEALTH PLAN LEGISLATION

This brings me to a matter that I know lies at the heart of our shared concern for the independence and vitality of a separate system of health care and medical services for veterans.

There is a bill pending in the Senate—a proposed National Health Plan Act, S. 1812—that poses a serious threat to VA health-care programs and services.

Included in this otherwise worthy bill—proposed by the President—is a provision that would classify the VA as a provider of health-care services in the national health plan to receive reimbursements through the Secretary of Health, Education, and Welfare for the non-service-connected care that the VA would render.

I want to share with you a firm determination I have reached only this week and which I am going to communicate to the President and the bill's chief sponsor, Senator Ribicoff, about this provision: I will oppose totally any such reimbursement provision, whether in this bill or any other.

This approach is a bad one, and I intend to assure that it is stopped, right here, before that bill is considered further.

If such a reimbursement policy is adopted, it could radically alter the present pattern of VA health care. It threatens to make the VA less patient-oriented. Moreover, to monitor exchanges of money between HEW and the VA, enormous additions to the bureaucracy would be needed—a veritable army of auditors, attorneys, and billing clerks.

Worst of all, I believe this scheme would seriously undermine the VA's ability to provide quality health-care services to eligible veterans. I believe it would bring on a sharp decline in the VA health-care system.

So, be assured that I am utterly opposed to this attempt to commingle funds between the Veterans' Administration and HEW when it comes to providing health care for any veterans—whether service-connected or not.

I will urge Senator Ribicoff, the sponsor of S. 1812, to remove from that bill those provisions that would include the VA in a national health plan and to substitute a provision making clear that the VA is to remain dependent on funds appropriated by the Congress—not on funds provided through health insurance policies.

I will stress to Senator Ribicoff—and also to Senator Russell Long, Chairman of the Finance Committee, and to Senator Herman Talmadge, its Health Subcommittee Chairman and a member of our Veterans' Affairs Committee—that the effect of these provisions would be to require the VA to plan its health-care programs on the basis of retrospective reimbursement.

In other words, the VA—after providing care to a veteran—would have to go seeking reimbursement for costs through another agency whose priorities are other than to assure that the health-care needs of our Nation's veterans are met.

I will point out the insurmountable difficulties that this would create for the VA's ability to plan adequately for the provision of care in its 172 hospitals and hundreds of other health-care facilities. I will point out how it would jeopardize the VA's own successful cost-containment efforts.

Thus, I have determined that national health insurance legislation must explicitly protect the ability of the VA health-care system to provide quality health care to our Nation's veterans.

My goal and yours must be to assure that the VA health-care system will not be inte-

grated into any national health insurance program. Not now, not ever.

This leads me to the same conclusion regarding another bill, S. 759—proposed by the VA—and being pushed very aggressively by OMB and the Senate Budget Committee.

This bill would provide for the VA to start the process toward national health insurance by seeking reimbursement from private insurers providing veterans with private health insurance coverage.

The only purpose of this kind of legislation, as far as I'm concerned, is to take a first step toward the VA's participation in national health insurance.

Since I have concluded—along with you—that such participation would be counterproductive and most unwise for the VA health-care system, I am announcing to you today my firm opposition to S. 759.

I pledge my commitment to do all I can to defeat that bill. I call on you for your help.

My opposition to the provisions of S. 1812 that I have discussed and to S. 759 are part of my larger commitment to a strong, independent VA health-care system.

VA HEALTH-CARE SYSTEM—A VITAL ELEMENT OF NATIONAL DEFENSE

Today—with our Nation seriously confronted by the actions of our adversaries abroad—that commitment takes on additional meaning.

I know I don't have to spell out for the members of the Veterans of Foreign Wars what could be the consequences of a worsening situation in the Middle East and in Southwest Asia.

I don't need to tell you that your Washington Conference is taking place in the Nation's capital at a time when there is a renewed urgency in considering matters of war and peace, of military preparedness, and of the needs of veterans.

The Nation badly needs your advice, your counsel, and the advantage of your experience at this time of crisis and challenge.

Organizations like the VFW can drive home the point that the costs of war do not stop when the last soldier sheds the uniform.

We must make every American aware that the defense of our Nation and the great cost of war includes our commitment to those who wage the war after they have served and to their families and their survivors.

The citizens and taxpayers of this country can no more afford to cut short what we owe to veterans than we can afford to give our soldiers less than what they need to fight the battle.

Just as surely as we must provide the weaponry and the ammunition for the warfare itself, we must assure the resources to restore our warriors who are injured while serving our Nation. It would be the height of folly to think we can spend more for national defense by spending less for those who defended the Nation in the past.

Once again the question of conscription and voluntary military service are on the minds of the American people and their representatives in Congress. These questions are very much on my mind and, I know, on yours.

How in the world can we think America can have an adequate military force—with eager enlistments and with high morale—if we renege on our promises to those who served in uniform in years gone by?

If we break our word to today's veterans will those in the service today and needed tomorrow believe our promises? I think not. And if they don't believe our promises, our ability to mount and maintain a capable, motivated, ready fighting force will surely be impaired.

The grave events occurring halfway around the world also cast the role of the veterans' health care system in a different light.

It is essential that we keep in mind the role that the VA might be called upon to perform in the tragic event that another generation of Americans is called to fight in defense of our country.

Most of you are familiar with a Defense Department report which shows that our governmental medical resources are inadequate in the event of war. The General Accounting Office has criticized this so-called "Maximum Report" for selling short the major role that VA hospitals can perform in the event they are needed to care for wounded troops. The GAO's point is well taken.

The VA health care system—the largest hospital system in the U.S.—is and always has been an outstanding national defense resource.

It is—and it has always been—available as a back-up to our military hospitals if, God forbid, we should ever again need it during time of war.

This kind of contingency planning draws this point into extremely sharp focus: now is the worst time—and there has never been a good time—to slight our all-out support for VA hospitals and health care-facilities.

I am working closely with officials in the Defense Department and in the Veterans' Administration to develop a clear understanding of the VA's role in defense contingency planning.

Discussions with top officials in both agencies make it clear to me that the VA is not only the number one back-up to the military's rather meager health-care resources, but that the VA health-care system is absolutely indispensable to our military preparedness.

So, as we work together to make our VA hospitals strong, well-funded, and well-staffed to serve the needs of veterans who have earned their right to medical care, we must keep in the forefront of our minds and the minds of the American people that the VA is a vital element of our national defense.

I don't want to give the impression that I think we are on the brink of war. I do not believe we are.

Whatever the long-range consequences of events in Iran and Afghanistan, this much is certain: The United States has a new opportunity to stand tall in the eyes of the rest of the world.

Our people are united behind major foreign policy goals.

For the first time in many years the United States finds its policies supported, and those of the Soviet Union despised, in much of Latin America, Africa, and Asia—the so-called third world. We are demonstrating to the world the distinctly different outcomes of the American revolution and the Russian revolution.

The Soviet experiment is barely 60 years old, yet is already geriatric, fearful, reactionary, closing in upon itself with an obsessive need for central control and security.

By contrast, the American revolution, at age 204, is ever enlarging the freedom and enhancing the range of choices available to its people.

We strive to extend the rights we believe inherent in humanity and in our democratic inheritance.

We show by our treatment of veterans that our word is good and honorable and our foresight clear.

We move to keep America strong in order to keep America at peace.

And as, together, we do these things, we honor our finest American traditions and we fulfill our most cherished ideals.●

ORDER OF PROCEDURE

The PRESIDING OFFICER. Will the majority leader suspend to receive a message from the House of Representatives?

Mr. ROBERT C. BYRD. No.

ORDER FOR RECESS UNTIL 12:45 P.M. TOMORROW AND TO CONSIDER ROCK ISLAND RAILROAD LEGISLATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12:45 p.m. tomorrow and that at 1 p.m. tomorrow the Senate proceed to the consideration of Calendar Order No. 656, S. 2253.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, I will gladly yield to receive a message.

Mr. STEVENS. Mr. President, that is the Rock Island Railroad Transition Act is definitely laid down?

Mr. ROBERT C. BYRD. Yes.

Mr. President, I did not suspend a moment ago, not out of disrespect for the Chair, but I have found, after considerable experience around here, that if there is agreement to go with a bill we had better nail it down quickly because, in the course of 10 seconds, things may occur that would not allow us to vote.

(Mr. BAUCUS assumed the chair.)

THE TRAGIC U.S. VOTE IN THE U.N. SECURITY COUNCIL

Mr. BRADLEY. Mr. President, the mistaken U.S. vote in support of a Security Council resolution condemning Israeli settlement policy in the West Bank runs the very serious risk of creating misapprehensions about American commitment to the long-term security of Israel and to the evolution of a lasting solution to the Palestinian problem through the Camp David framework of negotiations on Palestinian autonomy.

Let there be no "failure of communication" as to the position of this Senator and as to what I believe to be the position of the American people. Israel is an important and reliable ally whose contribution to U.S. security interests is magnified by the turbulence of events in other parts of the region. Israel's Government is democratic and stable; its interest in guaranteeing Western access to the region's strategic corridors and in arresting Soviet penetration reinforces our own. By doing injury to Israel's security we could only do injury to our own.

The question of Jewish settlements on the West Bank is a very complex and sensitive one. Responsible people of good intentions have different views as to the propriety, legality, and political wisdom of expanding Israeli settlements in the West Bank. But there should be consensus as to the imperative of doing nothing to undermine the fragile negotiations on Palestinian autonomy currently in progress.

In my view, there is no doubt that American endorsement of a resolution such as the one adopted by the Security Council would be interpreted as a tilt away from Israel. It could be construed as an invitation to parties outside the Camp David framework to remain aloof and to press for a more radical, even forcible, approach. If the United States in the forum of the U.N. Security Council appears to question the good faith of Israel in the autonomy negotiations by

a wholesale censure of one of its security policies, how can the United States expect to encourage Israel's historic adversaries to have confidence in these negotiations?

And if the United States acts to embarass an ally such as Israel in the midst of Israeli efforts to safeguard a most vital interest—its territorial security—then how can we ask for and expect concerted allied support for Amercan initiatives to safeguard our vital interests in the Middle East? We would be undermining an ally with stakes that are far more immediate in a way that is more damaging than anything our allies have done to cast doubt on Western unity in responding to Soviet threats in the Middle East.

Israel has understandable security interests in establishing settlements on the West Bank. They serve as outposts of information against attacks against its population and set a precedent aimed at establishing the right of Jewish settlement in the West Bank regardless of the area's ultimate political status. If we have differences with Israel as to their security policies in the West Bank, we should raise them directly with Israel's Government. Certainly there are better means than a resolution which in effect denies all Israeli claims to the West Bank.

American support for such a resolution is out of line with our historic commitments, our policies to date, and our future interests. I take some relief in knowing that the President has renounced this tragic vote. This Senator, for one is strongly opposed to lending U.S. support to this resolution.

(Mr. BRADLEY assumed the chair.)

RECESS UNTIL 12:45 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand recessed until 12:45 p.m. tomorrow.

The motion was agreed to; and, at 5.29 p.m., the Senate recessed until Thursday, March 6, 1980, at 12:45 p.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1980:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Joseph C. Wheeler, of Virginia, to be Deputy Administrator of the Agency for International Development, vice Robert Harry Nooter, resigned.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

David Marion Clinard, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice John Newhouse, resigned.

FEDERAL MARITIME COMMISSION

Peter N. Teige, of California, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1980, vice Karl E. Bakke, resigned.

Peter N. Teige, of California, to be a Federal Maritime Commissioner for the term of 5 years expiring June 30, 1985 (reappointment).

CONFIRMATION

Executive nominations confirmed by the Senate March 5, 1980:

DEPARTMENT OF STATE

Robert E. White, of Massachusetts, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.